

Union Calendar No. 209

109TH CONGRESS
2^D SESSION

H. R. 2829

[Report No. 109–315, Parts I, II, and III]

To reauthorize the Office of National Drug Control Policy Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2005

Mr. SOUDER (for himself and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 18, 2005

Reported from the Committee on Government Reform with an amendment

[Strike out all after the enacting clause and insert the part printed in boldface roman]

NOVEMBER 18, 2005

Referral to the Committees on the Judiciary, Energy and Commerce, and the Permanent Select Committee on Intelligence extended for a period ending not later than December 17, 2005

NOVEMBER 18, 2005

Referred to the Committee on Education and the Workforce for a period ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause (e), rule X

DECEMBER 17, 2005

Referral to the Committees on the Judiciary, Energy and Commerce, the Permanent Select Committee on Intelligence, and the Committee on Education and the Workforce extended for a period ending not later than December 31, 2005

DECEMBER 31, 2005

Referral to the Committees on the Judiciary, Energy and Commerce, the Permanent Select Committee on Intelligence, and the Committee on Education and the Workforce extended for a period ending not later than February 3, 2006

FEBRUARY 3, 2006

Referral to the Committees on the Judiciary, Energy and Commerce, the Permanent Select Committee on Intelligence, and the Committee on Education and the Workforce extended for a period ending not later than March 3, 2006

MARCH 3, 2006

Reported from the Committee on Energy and Commerce with an amendment
[Omit the part struck through in boldface roman]

MARCH 3, 2006

Reported from the Committee on the Judiciary with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

MARCH 3, 2006

The Permanent Select Committee on Intelligence and the Committee on Education and the Workforce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed
[For text of introduced bill, see copy of bill as introduced on June 9, 2005]

A BILL

To reauthorize the Office of National Drug Control Policy
Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TABLE OF CONTENTS.**

4 **(a) TABLE OF CONTENTS.—The table of con-**
5 **tents for this Act is as follows:**

Sec. 1. Table of contents.

**TITLE I—REAUTHORIZATION OF OFFICE OF NATIONAL
DRUG CONTROL POLICY**

- Sec. 101. Short title.
- Sec. 102. Amendment of Office of National Drug Control Policy Reauthorization Act of 1998.
- Sec. 103. Repeal of termination provision.
- Sec. 104. Amendments to definitions.
- Sec. 105. Amendments relating to establishment of Office of National Drug Control Policy and designation of officers.
- Sec. 106. Amendments relating to appointment and duties of Director and Deputy Director.
- Sec. 107. Amendments relating to coordination with other agencies.
- Sec. 108. Development, submission, implementation, and assessment of National Drug Control Strategy.
- Sec. 109. High Intensity Drug Trafficking Areas Program.
- Sec. 110. Funding for certain High Intensity Drug Trafficking Areas.
- Sec. 111. Amendments relating to Counter-Drug Technology Assessment Center.
- Sec. 112. National youth antidrug media campaign.
- Sec. 113. Drug interdiction.
- Sec. 114. Authorization of appropriations.
- Sec. 115. Technical amendments and repeal.
- Sec. 116. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communication materials.
- Sec. 117. Policy relating to syringe exchange programs.

TITLE II—CLEAN SPORTS ACT OF 2005

- Sec. 201. Addition of minimum drug testing standards to Office of National Drug Control Policy Act.

1 TITLE I—REAUTHORIZATION OF 2 OFFICE OF NATIONAL DRUG 3 CONTROL POLICY

4 SEC. 101. SHORT TITLE.

**5 This title may be cited as the “Office of
6 National Drug Control Policy Reauthoriza-
7 tion Act of 2005”.**

1 SEC. 102. AMENDMENT OF OFFICE OF NATIONAL DRUG
2 CONTROL POLICY REAUTHORIZATION ACT
3 OF 1998.

4 Except as otherwise expressly provided,
5 whenever in this title an amendment or re-
6 peal is expressed in terms of an amendment
7 to, or repeal of, a section or other provision,
8 the reference shall be considered to be made
9 to a section or other provision of the Office
10 of National Drug Control Policy Reauthoriza-
11 tion Act of 1998 (Public Law 105–277; 21 U.S.C.
12 1701 et seq.).

13 SEC. 103. REPEAL OF TERMINATION PROVISION.

14 Section 715 (21 U.S.C. 1712) is repealed,
15 and the law shall read as if such section was
16 never in effect.

17 SEC. 104. AMENDMENTS TO DEFINITIONS.

18 (a) AMENDMENTS TO DEFINITIONS.—Section
19 702 (21 U.S.C. 1701) is amended—

20 (1) in paragraph (1)—

21 (A) by striking “and” at the end of
22 subparagraph (F);

23 (B) by striking the period at the
24 end of subparagraph (G) and insert-
25 ing “, including the testing of employ-
26 ees;”; and

1 (C) by adding at the end the fol-
2 lowing:

3 “(H) interventions for drug abuse
4 and dependence; and

5 “(I) international drug control co-
6 ordination and cooperation with re-
7 spect to activities described in this
8 paragraph.”;

9 (2) in paragraph (6), by adding before
10 the period at the end: “, including any ac-
11 tivities involving supply reduction, de-
12 mand reduction, or State and local af-
13 fairs”;

14 (3) in paragraph (7)—

15 (A) by striking “Agency” and in-
16 serting “agency”;

17 (B) by striking “National Foreign
18 Intelligence Program,” and inserting
19 “National Intelligence Program,”; and

20 (C) by inserting a comma before
21 “or Tactical”;

22 (4) in paragraph (9), by striking “im-
23 plicates” and inserting “indicates”;

24 (5) in paragraph (10)—

1 (A) by adding “National Drug
2 Control Program agencies and” after
3 “among” in subparagraph (B);

4 (B) by striking “and” at the end of
5 subparagraph (B);

6 (C) by striking the period at the
7 end of subparagraph (C) and insert-
8 ing a semicolon; and

9 (D) by adding at the end the fol-
10 lowing:

11 “(D) domestic drug law enforce-
12 ment, including domestic drug inter-
13 diction and law enforcement directed
14 at drug users; and

15 “(E) coordination and enhance-
16 ment of Federal, State, and local law
17 enforcement initiatives to gather,
18 analyze, and disseminate information
19 and intelligence relating to drug con-
20 trol among domestic law enforcement
21 agencies.”;

22 (6) in paragraph (11)—

23 (A) by inserting before the semi-
24 colon in subparagraph (A) the fol-
25 lowing: “, including—

1 “(i) law enforcement outside
2 the United States; and

3 “(ii) source country programs,
4 including economic development
5 programs primarily intended to
6 reduce the production or traf-
7 ficking of illicit drugs”;

8 (B) by striking subparagraph (B)
9 and inserting the following:

10 “(B) facilitating and enhancing
11 the sharing of foreign and domestic
12 information and law enforcement in-
13 telligence relating to drug production
14 and trafficking among National Drug
15 Control Program agencies, and be-
16 tween those agencies and foreign law
17 enforcement agencies; and”;

18 (C) by striking “; and” at the end
19 of subparagraph (C) and inserting a
20 period; and

21 (D) by striking subparagraph (D);
22 and

23 (7) by adding at the end the fol-
24 lowing:

1 **“(12) APPROPRIATE CONGRESSIONAL**
2 **COMMITTEES.—Except where otherwise**
3 **provided, the term ‘appropriate congressional**
4 **committees’ means the Committee**
5 **on the Judiciary, the Committee on Ap-**
6 **propriations, and the Caucus on Inter-**
7 **national Narcotics Control of the Senate**
8 **and the Committee on Government Re-**
9 **form, the Committee on the Judiciary,**
10 **and the Committee on Appropriations of**
11 **the House of Representatives.**

12 **“(13) LAW ENFORCEMENT.—The term**
13 **‘law enforcement’ or ‘drug law enforce-**
14 **ment’ means all efforts by a Federal,**
15 **State, or local government agency to en-**
16 **force the drug laws of the United States**
17 **or any State, including investigation, ar-**
18 **rest, prosecution, and incarceration or**
19 **other punishments or penalties.”.**

20 **(b) CONFORMING AMENDMENTS.—Section**
21 **703(b)(3) (21 U.S.C. 1702(b)(3)) is amended—**

22 **(1) in subparagraph (A), by striking**
23 **“(G)” and inserting “(I)”;** and

24 **(2) in subparagraph (C)—**

1 (A) by striking “through (C)” and
2 inserting “through (E)”;

3 (B) by striking “and subpara-
4 graph (D) of section 702(11)”;

5 (C) by adding before the period at
6 the end the following: “, and sections
7 707 and 708 of this Act”.

8 SEC. 105. AMENDMENTS RELATING TO ESTABLISHMENT OF
9 OFFICE OF NATIONAL DRUG CONTROL POL-
10 ICY AND DESIGNATION OF OFFICERS.

11 (a) RESPONSIBILITIES.—Paragraph (4) of
12 section 703(a) (21 U.S.C. 1702(a)) is amended
13 to read as follows:

14 “(4) evaluate the effectiveness of the
15 national drug control policy and the Na-
16 tional Drug Control Program agencies’
17 programs, by developing and applying
18 specific goals and performance measure-
19 ments.”.

20 (b) RANK OF DIRECTOR.—Section 703(b) (21
21 U.S.C. 1702(b)) is amended in paragraph (1) by
22 adding before the period the following: “, who
23 shall hold the same rank and status as the
24 head of an executive department listed in sec-
25 tion 101 of title 5, United States Code”.

1 **(c) DEPUTY DIRECTORS.—Section 703(b) (21**
2 **U.S.C. 1702(b)) is amended in paragraph (3)—**

3 **(1) by striking “Office—” and insert-**
4 **ing “Office the following additional Dep-**
5 **uty Directors—”; and**

6 **(2) in subparagraph (B), by striking**
7 **“who shall” and inserting the following:**
8 **“who shall have substantial experience**
9 **and expertise in drug interdiction oper-**
10 **ations and other supply reduction activi-**
11 **ties, and who shall serve as the United**
12 **States Interdiction Coordinator and”.**

13 **SEC. 106. AMENDMENTS RELATING TO APPOINTMENT AND**
14 **DUTIES OF DIRECTOR AND DEPUTY DIREC-**
15 **TOR.**

16 **(a) DESIGNATION OF OTHER OFFICERS.—Sec-**
17 **tion 704(a)(3) (21 U.S.C. 1703(a)(3)) is amend-**
18 **ed—**

19 **(1) by striking “permanent employee”**
20 **and inserting “officer or employee”; and**

21 **(2) by striking “serve as the Director”**
22 **and inserting “serve as the acting Direc-**
23 **tor”.**

24 **(b) RESPONSIBILITIES OF DIRECTOR.—Sec-**
25 **tion 704(b) (21 U.S.C. 1703(b)) is amended—**

1 (1) in paragraph (4), by striking “Fed-
2 eral departments and agencies engaged
3 in drug enforcement,” and inserting “Na-
4 tional Drug Control Program agencies,”;

5 (2) in paragraph (7), by inserting
6 after “President” the following: “and the
7 appropriate congressional committees”;

8 (3) in paragraph (13), by striking “(be-
9 ginning in 1999)”;

10 (4) in paragraph (14)—

11 (A) by striking “Appropriations”
12 and all that follows through “Senate”
13 and inserting “appropriate congres-
14 sional committees”; and

15 (B) by striking “and” after the
16 semicolon at the end;

17 (5) in paragraph (15), by striking sub-
18 paragraph (C) and inserting the fol-
19 lowing:

20 “(C) supporting the substance
21 abuse information clearinghouse ad-
22 ministered by the Administrator of
23 the Substance Abuse and Mental
24 Health Services Administration and

1 **established in section 501(d)(16) of**
2 **the Public Health Service Act by—**

3 **“(i) encouraging all National**
4 **Drug Control Program agencies**
5 **to provide all appropriate and**
6 **relevant information; and**

7 **“(ii) supporting the dissemina-**
8 **tion of information to all inter-**
9 **ested entities;”;** and

10 **(6) by inserting at the end the fol-**
11 **lowing:**

12 **“(16) shall coordinate with the pri-**
13 **vate sector to promote private research**
14 **and development of medications to treat**
15 **addiction;**

16 **“(17) shall seek the support and com-**
17 **mitment of State and local officials in the**
18 **formulation and implementation of the**
19 **National Drug Control Strategy;**

20 **“(18) shall monitor and evaluate the**
21 **allocation of resources among Federal**
22 **law enforcement agencies in response to**
23 **significant local and regional drug traf-**
24 **ficking and production threats; and**

1 **“(19) shall submit an annual report to**
2 **Congress detailing how the Office of Na-**
3 **tional Drug Control Policy has consulted**
4 **with and assisted State and local govern-**
5 **ments with respect to the formulation**
6 **and implementation of the National Drug**
7 **Control Strategy and other relevant**
8 **issues.”.**

9 **(c) SUBMISSION OF DRUG CONTROL BUDGET**
10 **REQUESTS.—Section 704(c)(1) is amended by**
11 **adding at the end the following:**

12 **“(C) CONTENT OF DRUG CONTROL**
13 **BUDGET REQUESTS.—A drug control**
14 **budget request submitted by a de-**
15 **partment, agency, or program under**
16 **this paragraph shall include all re-**
17 **quests for funds for any drug control**
18 **activity undertaken by that depart-**
19 **ment, agency, or program, including**
20 **demand reduction, supply reduction,**
21 **and State and local affairs, including**
22 **any drug law enforcement activities.**
23 **If an activity has both drug control**
24 **and nondrug control purposes or ap-**
25 **plications, the department, agency, or**

1 program shall estimate by a docu-
2 mented calculation the total funds re-
3 quested for that activity that would
4 be used for drug control, and shall set
5 forth in its request the basis and
6 method for making the estimate.”.

7 (d) NATIONAL DRUG CONTROL BUDGET PRO-
8 POSAL.—Section 704(c)(2) is amended in sub-
9 paragraph (A) by inserting before the semi-
10 colon: “and to inform Congress and the public
11 about the total amount proposed to be spent
12 on all supply reduction, demand reduction,
13 State and local affairs, including any drug law
14 enforcement, and other drug control activi-
15 ties by the Federal Government, which shall
16 conform to the content requirements set forth
17 in subparagraph (C) of paragraph (1) of this
18 subsection”.

19 (e) REVIEW AND CERTIFICATION OF NATIONAL
20 DRUG CONTROL PROGRAM BUDGET.—Section
21 704(c)(3) (21 U.S.C. 1703(c)(3)) is amended—

22 (1) by redesignating subparagraphs
23 (C) and (D) as subparagraphs (D) and (E),
24 respectively;

1 (2) by inserting after subparagraph
2 **(B) the following new subparagraph:**

3 **“(C) SPECIFIC REQUESTS.—The Di-**
4 **rector shall not confirm the adequacy**
5 **of any budget request that—**

6 **“(i) requests funding for Fed-**
7 **eral law enforcement activities**
8 **that do not adequately com-**
9 **pensate for transfers of drug en-**
10 **forcement resources and per-**
11 **sonnel to law enforcement and in-**
12 **vestigation activities not related**
13 **to drug enforcement as deter-**
14 **mined by the Director;**

15 **“(ii) requests funding for law**
16 **enforcement activities on the bor-**
17 **ders of the United States that do**
18 **not adequately direct resources to**
19 **drug interdiction and enforce-**
20 **ment as determined by the Direc-**
21 **tor;**

22 **“(iii) requests funding for**
23 **drug treatment activities that do**
24 **not provide adequate result and**

1 **accountability measures as deter-**
2 **mined by the Director;**

3 **“(iv) requests funding for any**
4 **activities of the Safe and Drug**
5 **Free Schools Program that do not**
6 **include a clear antidrug message**
7 **or purpose intended to reduce**
8 **drug use;**

9 **“(v) requests funding to en-**
10 **force section 484(r)(1) of the High-**
11 **er Education Act of 1965 (20**
12 **U.S.C. 1091(r)(1)) with respect to**
13 **convictions for drug-related of-**
14 **fenses not occurring during a pe-**
15 **riod of enrollment for which the**
16 **student was receiving any Fed-**
17 **eral grant, loan, or work assist-**
18 **ance;**

19 **“(vi) requests funding for**
20 **drug treatment activities that do**
21 **not adequately support and en-**
22 **hance Federal drug treatment**
23 **programs and capacity, as deter-**
24 **mined by the Director;**

1 “(vii) requests funding for fis-
2 cal year 2007 for activities of the
3 Department of Education, unless
4 it is accompanied by a report set-
5 ting forth a plan for providing ex-
6 pedited consideration of student
7 loan applications for all individ-
8 uals who submitted an applica-
9 tion for any Federal grant, loan,
10 or work assistance that was re-
11 jected or denied pursuant to
12 484(r)(1) of the Higher Education
13 Act of 1965 (20 U.S.C. 1091(r)(1))
14 by reason of a conviction for a
15 drug-related offense not occur-
16 ring during a period of enroll-
17 ment for which the individual
18 was receiving any Federal grant,
19 loan, or work assistance;

20 “(viii) requests funding for
21 the operations and management
22 of the Department of Homeland
23 Security that does not include a
24 specific request for funds for the
25 Office of Counternarcotics En-

1 **forcement to carry out its respon-**
2 **sibilities under section 878 of the**
3 **Homeland Security Act of 2002 (6**
4 **U.S.C. 458).”;**

5 **(3) in subparagraph (D)(iii), as so re-**
6 **designated, by inserting “and the appro-**
7 **propriate congressional committees” after**
8 **“House of Representatives”; and**

9 **(4) in subparagraph (E)(ii)(II)(bb), as**
10 **so redesignated, by inserting “and the ap-**
11 **propriate congressional committees”**
12 **after “House of Representatives”.**

13 **(f) REPROGRAMMING AND TRANSFER RE-**
14 **QUESTS.—Section 704(c)(4)(A) (21 U.S.C.**
15 **1703(c)(4)(A)) is amended by striking**
16 **“\$5,000,000” and inserting “\$1,000,000”.**

17 **(g) POWERS OF DIRECTOR.—Section 704(d)**
18 **(21 U.S.C. 1703(d)) is amended—**

19 **(1) in paragraph (8)(D), by striking**
20 **“have been authorized by Congress;” and**
21 **inserting “authorized by law;”;**

22 **(2) in paragraph (9)—**

23 **(A) by inserting “notwithstanding**
24 **any other provision of law,” after**
25 **“(9)”; and**

1 **(B) by striking “Strategy; and”**
2 **and inserting “Strategy and notify**
3 **the appropriate congressional com-**
4 **mittees of any fund control notice**
5 **issued;”;**

6 **(3) in paragraph (10), by striking “(22**
7 **U.S.C. 2291j).” and inserting “(22 U.S.C.**
8 **2291j) and section 706 of the Foreign Re-**
9 **lations Authorization Act, Fiscal Year**
10 **2003 (22 U.S.C. 2291j-1); and”; and**

11 **(4) by adding at the end the following**
12 **new paragraph:**

13 **“(11) not later than August 1 of each**
14 **year, submit to the President a report,**
15 **and transmit copies of the report to the**
16 **Secretary of State and the appropriate**
17 **congressional committees, that—**

18 **“(A) provides the Director’s as-**
19 **essment of which countries are**
20 **major drug transit countries or major**
21 **illicit drug producing countries as de-**
22 **fin ed in section 481(e) of the Foreign**
23 **Assistance Act of 1961 (22 U.S.C.**
24 **2291(e));**

1 “(B) provides the Director’s as-
2 sessment of whether each country
3 identified under subparagraph (A)
4 has cooperated fully with the United
5 States or has taken adequate steps on
6 its own to achieve full compliance
7 with the goals and objectives estab-
8 lished by the United Nations Conven-
9 tion Against Illicit Traffic in Narcotic
10 Drugs and Psychotropic Substances
11 and otherwise has assisted in reduc-
12 ing the supply of illicit drugs to the
13 United States; and

14 “(C) provides the Director’s as-
15 sessment of whether application of
16 procedures set forth in section 490 of
17 the Foreign Assistance Act of 1961 (22
18 U.S.C. 2291j), as provided in section
19 706 of the Foreign Relations Author-
20 ization Act, Fiscal Year 2003 (22
21 U.S.C. 2291j-1), is warranted with re-
22 spect to countries the Director as-
23 sesses have not cooperated fully.”.

1 **(g) FUND CONTROL NOTICES.—Section**
2 **704(f) (21 U.S.C. 1703(f)) is amended by adding**
3 **at the end the following:**

4 **“(4) CONGRESSIONAL NOTICE.—A copy**
5 **of each fund control notice shall be trans-**
6 **mitted to the appropriate congressional**
7 **committees.**

8 **“(5) RESTRICTIONS.—The Director shall**
9 **not issue a fund control notice to direct**
10 **that all or part of an amount appro-**
11 **priated to the National Drug Control Pro-**
12 **gram agency account be obligated, modi-**
13 **fied, or altered in any manner contrary,**
14 **in whole or in part, to a specific appro-**
15 **priation or statute.”.**

16 **(h) TECHNICAL AMENDMENTS.—Section 704**
17 **(21 U.S.C. 1703) is amended—**

18 **(1) in subsection (g)—**

19 **(A) by striking “National Foreign**
20 **Intelligence Program” and inserting**
21 **“National Intelligence Program”; and**

22 **(B) by inserting a comma before**
23 **“and Tactical”; and**

24 **(2) in subsection (h), by striking “Di-**
25 **rector of Central Intelligence” and insert-**

1 ing “Director of National Intelligence or
2 the Director of the Central Intelligence
3 Agency”.

4 (i) REQUIREMENT FOR SOUTH AMERICAN
5 HEROIN STRATEGY.—

6 (1) IN GENERAL.—Not later than 90
7 days after the date of the enactment of
8 this Act, the Director of National Drug
9 Control Policy shall submit to the Con-
10 gress a comprehensive strategy that ad-
11 dresses the increased threat from South
12 American heroin, and in particular Co-
13 lombian heroin and the emerging threat
14 from opium poppy grown in Peru and
15 often intended for transit to Columbia for
16 processing into heroin.

17 (2) CONTENTS.—The strategy shall in-
18 clude—

19 (A) opium eradication efforts to
20 eliminate the problem at the source
21 to prevent heroin from entering the
22 stream of commerce;

23 (B) interdiction and precursor
24 chemical controls;

1 **(C) demand reduction and treat-**
2 **ment;**

3 **(D) alternative development pro-**
4 **grams, including direct assistance to**
5 **regional governments to demobilize**
6 **and provide alternative livelihoods to**
7 **former members of insurgent or other**
8 **groups engaged in heroin, coca, or**
9 **other illicit drug production or traf-**
10 **ficking;**

11 **(E) efforts to inform and involve**
12 **local citizens in the programs de-**
13 **scribed in subparagraphs (A) through**
14 **(D), such as through leaflets adver-**
15 **tising rewards for information;**

16 **(F) provisions that ensure the**
17 **maintenance at current levels of ef-**
18 **forts to eradicate coca in Colombia;**
19 **and**

20 **(G) assessment of the specific**
21 **level of funding and resources nec-**
22 **essary to simultaneously address the**
23 **threat from South American heroin**
24 **and the threat from Colombian and**
25 **Peruvian coca.**

1 **(3) TREATMENT OF CLASSIFIED OR LAW**
2 **ENFORCEMENT SENSITIVE INFORMATION.—**

3 **Any content of the strategy that involves**
4 **information classified under criteria es-**
5 **tablished by an Executive order, or**
6 **whose public disclosure, as determined**
7 **by the Director or the head of any rel-**
8 **evant Federal agency, would be detri-**
9 **mental to the law enforcement or na-**
10 **tional security activities of any Federal,**
11 **foreign, or international agency, shall be**
12 **presented to Congress separately from**
13 **the rest of the strategy.**

14 **(j) REQUIREMENT FOR AFGHAN HEROIN**
15 **STRATEGY.—**

16 **(1) IN GENERAL.—Not later than 90**
17 **days after the date of the enactment of**
18 **this Act, the Director of the Office of Na-**
19 **tional Drug Control Policy shall submit**
20 **to the Congress a comprehensive strategy**
21 **that addresses the increased threat from**
22 **Afghan heroin.**

23 **(2) CONTENTS.—The strategy shall in-**
24 **clude—**

1 **(A) opium crop eradication efforts**
2 **to eliminate the problem at the**
3 **source to prevent heroin from enter-**
4 **ing the stream of commerce;**

5 **(B) destruction or other direct**
6 **elimination of stockpiles of heroin**
7 **and raw opium, and heroin produc-**
8 **tion and storage facilities;**

9 **(C) interdiction and precursor**
10 **chemical controls;**

11 **(D) demand reduction and treat-**
12 **ment;**

13 **(E) alternative development pro-**
14 **grams;**

15 **(F) measures to improve coopera-**
16 **tion and coordination between Fed-**
17 **eral Government agencies, and be-**
18 **tween such agencies, agencies of for-**
19 **oreign governments, and international**
20 **organizations with responsibility for**
21 **the prevention of heroin production**
22 **in, or trafficking out of, Afghanistan;**
23 **and**

24 **(G) an assessment of the specific**
25 **level of funding and resources nec-**

1 **essary significantly to reduce the pro-**
2 **duction and trafficking of heroin.**

3 **(3) TREATMENT OF CLASSIFIED OR LAW**
4 **ENFORCEMENT SENSITIVE INFORMATION.—**

5 **Any content of the strategy that involves**
6 **information classified under criteria es-**
7 **tablished by an Executive order, or**
8 **whose public disclosure, as determined**
9 **by the Director or the head of any rel-**
10 **evant Federal agency, would be detri-**
11 **mental to the law enforcement or na-**
12 **tional security activities of any Federal,**
13 **foreign, or international agency, shall be**
14 **presented to Congress separately from**
15 **the rest of the strategy.**

16 **(k) REQUIREMENT FOR GENERAL**
17 **COUNTERDRUG INTELLIGENCE PLAN.—**

18 **(1) IN GENERAL.—Not later than 120**
19 **days after the date of enactment of this**
20 **Act, and not later than every two years**
21 **thereafter, the Director of the Office of**
22 **National Drug Control Policy, with the**
23 **concurrence of the Director of National**
24 **Intelligence, shall submit to the appro-**
25 **priate congressional committees, a gen-**

1 **eral counterdrug intelligence plan to im-**
2 **prove coordination, and eliminate unnec-**
3 **essary duplication, among the**
4 **counterdrug intelligence centers and in-**
5 **formation sharing systems, and**
6 **counterdrug activities of the Federal**
7 **Government, including the centers, sys-**
8 **tems, and activities of the following de-**
9 **partments and agencies:**

10 **(A) The Department of Defense,**
11 **including the Defense Intelligence**
12 **Agency, and the joint interagency**
13 **task forces.**

14 **(B) The Department of the Treas-**
15 **ury, including the Financial Crimes**
16 **Enforcement Network (FinCEN).**

17 **(C) The Central Intelligence Agen-**
18 **cy.**

19 **(D) The National Security Agency.**

20 **(E) The Department of Homeland**
21 **Security, including the United States**
22 **Coast Guard, the bureau of Customs**
23 **and Border Protection, and the bu-**
24 **reau of Immigration and Customs En-**
25 **forcement.**

1 **(F) The Department of Justice, in-**
2 **cluding the National Drug Intel-**
3 **ligence Center (NDIC); the Drug En-**
4 **forcement Administration, including**
5 **the El Paso Intelligence Center**
6 **(EPIC); the Federal Bureau of Inves-**
7 **tigation; the Organized Crime Drug**
8 **Enforcement Task Force; and the Re-**
9 **gional Information Sharing System.**

10 **(G) The Office of National Drug**
11 **Control Policy, including the High In-**
12 **tensity Drug Trafficking Areas Pro-**
13 **gram.**

14 **(H) The Counterdrug Intelligence**
15 **Executive Secretariat.**

16 **(2) PURPOSE.—The purpose of the plan**
17 **under paragraph (1) is to maximize the**
18 **effectiveness of the centers and activities**
19 **referred to in that paragraph in achiev-**
20 **ing the objectives of the National Drug**
21 **Control Strategy promulgated under 21**
22 **U.S.C. 1705. In order to maximize such ef-**
23 **fectiveness, the plan shall—**

24 **(A) articulate clear and specific**
25 **mission statements (including pur-**

1 pose and scope of activity) for each
2 counterdrug intelligence center, sys-
3 tem, and activity, including the man-
4 ner in which responsibility for
5 counterdrug intelligence activities
6 will be allocated among the
7 counterdrug intelligence centers and
8 systems;

9 (B) specify each government
10 agency (whether Federal, State, or
11 local) that participates in each such
12 center, system, and activity, including
13 a description of the extent and nature
14 of that participation;

15 (C) specify the relationship be-
16 tween such centers, systems, and ac-
17 tivities;

18 (D) specify the means by which
19 proper oversight of such centers, sys-
20 tems, and activities will be assured;

21 (E) specify the means by which
22 counterdrug intelligence and infor-
23 mation will be forwarded effectively
24 to all levels of officials responsible for

1 **United States counterdrug policy;**
2 **and**

3 **(F) specify mechanisms to ensure**
4 **that State and local law enforcement**
5 **agencies are apprised of counterdrug**
6 **intelligence and information acquired**
7 **by Federal law enforcement agencies**
8 **in a manner which—**

9 **(i) facilitates effective**
10 **counterdrug activities by State**
11 **and local law enforcement agen-**
12 **cies; and**

13 **(ii) provides such State and**
14 **local law enforcement agencies**
15 **with the information relating to**
16 **the safety of officials involved in**
17 **their counterdrug activities.**

18 **(3) DEFINITIONS.—As used in this sub-**
19 **section—**

20 **(A) the term “center” refers to any**
21 **center, office, task force, or other co-**
22 **ordinating organization engaged in**
23 **counterdrug intelligence or informa-**
24 **tion analyzing or sharing activities;**

1 **(B) the term “system” refers to**
2 **any computerized database or other**
3 **electronic system used for**
4 **counterdrug intelligence or informa-**
5 **tion analyzing or sharing activities;**
6 **and**

7 **(C) the term “appropriate con-**
8 **gressional committees” means the fol-**
9 **lowing:**

10 **(i) The Committee on Appro-**
11 **priations, the Committee on For-**
12 **ign Relations, the Committee on**
13 **the Judiciary, the Committee on**
14 **Homeland Security and Govern-**
15 **mental Affairs, the Caucus on**
16 **International Narcotics Control,**
17 **and the Select Committee on In-**
18 **telligence of the Senate.**

19 **(ii) The Committee on Appro-**
20 **priations, the Committee on**
21 **International Relations, the Com-**
22 **mittee on the Judiciary, the Com-**
23 **mittee on Government Reform,**
24 **the Committee on Homeland Se-**
25 **curity, and the Permanent Select**

**Committee on Intelligence of the
House of Representatives.**

**(4) LIMITATION.—The general
counterdrug intelligence plan shall not—**

**(A) change existing agency au-
thorities or the laws governing inter-
agency relationships, but may include
recommendations about changes to
such authorities or laws; or**

**(B) include any information about
specific methods of obtaining, or
sources of, intelligence or informa-
tion, or any information about spe-
cific individuals, cases, investiga-
tions, or operations.**

**(5) CLASSIFIED OR LAW ENFORCEMENT
SENSITIVE INFORMATION.—Any content of
the general counterdrug intelligence plan
that involves information classified
under criteria established by an Execu-
tive order, or whose public disclosure, as
determined by the Director of the Office
of National Drug Control Policy, the Di-
rector of National Intelligence, or the
head of any Federal Government agency**

1 **whose activities are described in the**
2 **plan, would be detrimental to the law en-**
3 **forcement or national security activities**
4 **of any Federal, State, or local agency,**
5 **shall be presented to Congress separately**
6 **from the rest of the report.**

7 **(I) REQUIREMENT FOR SOUTHWEST BORDER**
8 **COUNTERNARCOTICS STRATEGY.—**

9 **(1) IN GENERAL.—Not later than 120**
10 **days after the date of enactment of this**
11 **Act, and every two years thereafter, the**
12 **Director of National Drug Control Policy**
13 **shall submit to the Congress a Southwest**
14 **Border Counternarcotics Strategy.**

15 **(2) PURPOSES.—The Southwest Border**
16 **Counternarcotics Strategy shall—**

17 **(A) set forth the Government’s**
18 **strategy for preventing the illegal**
19 **trafficking of drugs across the inter-**
20 **national border between the United**
21 **States and Mexico, including through**
22 **ports of entry and between ports of**
23 **entry on that border;**

24 **(B) state the specific roles and re-**
25 **sponsibilities of the relevant National**

1 **Drug Control Program agencies (as**
2 **defined in section 702 of the Office of**
3 **National Drug Control Policy Reau-**
4 **thorization Act of 1998 (21 U.S.C.**
5 **1701)) for implementing that strategy;**
6 **and**

7 **(C) identify the specific resources**
8 **required to enable the relevant Na-**
9 **tional Drug Control Program agen-**
10 **cies to implement that strategy.**

11 **(3) CONSULTATION WITH OTHER AGEN-**
12 **CIES.—The Director shall issue the South-**
13 **west Border Counternarcotics Strategy in**
14 **consultation with the heads of the rel-**
15 **evant National Drug Control Program**
16 **agencies.**

17 **(4) LIMITATION.—The Southwest Bor-**
18 **der Counternarcotics Strategy shall not**
19 **change existing agency authorities or the**
20 **laws governing interagency relationships,**
21 **but may include recommendations about**
22 **changes to such authorities or laws.**

23 **(5) REPORT TO CONGRESS.—The Direc-**
24 **tor shall provide a copy of the Southwest**
25 **Border Counternarcotics Strategy to the**

1 **appropriate congressional committees (as**
2 **defined in section 702 of the Office of Na-**
3 **tional Drug Control Policy Reauthoriza-**
4 **tion Act of 1998 (21 U.S.C. 1701)), and to**
5 **the Committee on Armed Services and**
6 **the Committee on Homeland Security of**
7 **the House of Representatives, and the**
8 **Committee on Homeland Security and**
9 **Governmental Affairs and the Committee**
10 **on Armed Services of the Senate.**

11 **(6) TREATMENT OF CLASSIFIED OR LAW**
12 **ENFORCEMENT SENSITIVE INFORMATION.—**
13 **Any content of the Southwest Border**
14 **Counternarcotics Strategy that involves**
15 **information classified under criteria es-**
16 **tablished by an Executive order, or**
17 **whose public disclosure, as determined**
18 **by the Director or the head of any rel-**
19 **evant National Drug Control Program**
20 **agency, would be detrimental to the law**
21 **enforcement or national security activi-**
22 **ties of any Federal, State, or local agency,**
23 **shall be presented to Congress separately**
24 **from the rest of the strategy.**

1 **(m) REQUIREMENT FOR SCIENTIFIC STUDY OF**
2 **MYCOHERBICIDE IN ILLICIT DRUG CROP ERADI-**
3 **CATION.—Not later than 90 days after the date**
4 **of enactment of this Act, the Director of the**
5 **Office of National Drug Control Policy shall**
6 **submit to the Congress a report that includes**
7 **a plan to conduct, on an expedited basis, a sci-**
8 **entific study of the use of mycoherbicide as a**
9 **means of illicit drug crop elimination by an**
10 **appropriate Government scientific research**
11 **entity, including a complete and thorough sci-**
12 **entific peer review. The study shall include an**
13 **evaluation of the likely human health and en-**
14 **vironmental impacts of such use. The report**
15 **shall also include a plan to conduct controlled**
16 **scientific testing in a major drug producing**
17 **nation of mycoherbicide naturally existing in**
18 **the producing nation.**

19 **SEC. 107. AMENDMENTS RELATING TO COORDINATION**
20 **WITH OTHER AGENCIES.**

21 **Section 705 (21 U.S.C. 1704) is amended—**

22 **(1) in subsection (a)(1)(A), by striking**
23 **“abuse”;**

24 **(2) in subsection (a)(2)(A), by striking**
25 **“Director of Central Intelligence” and in-**

1 serting “Director of National Intel-
2 ligence”;

3 (3) in subsection (a)(2)(B), by striking
4 “Director of Central Intelligence” and in-
5 serting “Director of National Intelligence
6 and the Director of the Central Intel-
7 ligence Agency”;

8 (4) by amending paragraph (3) of sub-
9 section (a) to read as follows:

10 “(3) REQUIRED REPORTS.—

11 “(A) SECRETARIES OF THE INTERIOR
12 AND AGRICULTURE.—The Secretaries of
13 Agriculture and Interior shall, by
14 July 1 of each year, jointly submit to
15 the Director, the appropriate con-
16 gressional committees, the Committee
17 on Agriculture and the Committee on
18 Resources of the House of Represent-
19 atives, and the Committee on Agri-
20 culture and the Committee on Energy
21 and Natural Resources of the Senate,
22 an assessment of the quantity of ille-
23 gal drug cultivation and manufac-
24 turing in the United States on lands
25 owned or under the jurisdiction of

1 the Federal Government for the pre-
2 ceding year.

3 “(B) ATTORNEY GENERAL.—The At-
4 torney General shall, by July 1 of
5 each year, submit to the Director and
6 the appropriate congressional com-
7 mittees information for the preceding
8 year regarding the number and type
9 of—

10 “(i) arrests for drug viola-
11 tions;

12 “(ii) prosecutions for drug vio-
13 lations by United States Attor-
14 neys; and

15 “(iii) seizures of drugs by each
16 component of the Department of
17 Justice seizing drugs, as well as
18 statistical information on the geo-
19 graphic areas of such seizures.

20 “(C) SECRETARY OF HOMELAND SE-
21 curity.—The Secretary of Homeland
22 Security shall, by July 1 of each year,
23 submit to the Director, the appro-
24 priate congressional committees, and
25 the Committee on Homeland Security

1 of the House of Representatives, and
2 the Committee on Homeland Security
3 and Governmental Affairs of the Sen-
4 ate, information for the preceding
5 year regarding—

6 “(i) the number and type of
7 seizures of drugs by each compo-
8 nent of the Department of Home-
9 land Security seizing drugs, as
10 well as statistical information on
11 the geographic areas of such sei-
12 zures; and

13 “(ii) the number of air and
14 maritime patrol hours under-
15 taken by each component of that
16 Department primarily dedicated
17 to drug supply reduction mis-
18 sions.

19 “(D) SECRETARY OF DEFENSE.—The
20 Secretary of Defense shall, by July 1
21 of each year, submit to the Director,
22 the appropriate congressional com-
23 mittees, the Committee on Armed
24 Services of the House of Representa-
25 tives, and the Committee on Armed

1 **Services of the Senate, information**
2 **for the preceding year regarding the**
3 **number of air and maritime patrol**
4 **hours primarily dedicated to drug**
5 **supply reduction missions under-**
6 **taken by each component of the De-**
7 **partment of Defense.”;**

8 **(5) in subsection (b)(2)(B), by striking**
9 **“Program.” and inserting “Strategy.”; and**
10 **(6) in subsection (c), by striking “in”**
11 **and inserting “on”.**

12 **SEC. 108. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
13 **AND ASSESSMENT OF NATIONAL DRUG CON-**
14 **TROL STRATEGY.**

15 **Section 706 (21 U.S.C. 1705) is amended to**
16 **read as follows:**

17 **“SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
18 **AND ASSESSMENT OF NATIONAL DRUG CON-**
19 **TROL STRATEGY.**

20 **“(a) TIMING, CONTENTS, AND PROCESS FOR**
21 **DEVELOPMENT AND SUBMISSION OF NATIONAL**
22 **DRUG CONTROL STRATEGY.—**

23 **“(1) IN GENERAL.—Not later than Feb-**
24 **ruary 1 of each year, the President shall**
25 **submit to Congress a National Drug Con-**

1 **trol Strategy, which shall set forth a com-**
2 **prehensive plan for reducing illicit drug**
3 **use and the consequences of illicit drug**
4 **use in the United States by reducing the**
5 **demand for illegal drugs, limiting the**
6 **availability of illegal drugs, and con-**
7 **ducting law enforcement activities with**
8 **respect to illegal drugs.**

9 **“(2) CONTENTS.—**

10 **“(A) IN GENERAL.—The National**
11 **Drug Control Strategy submitted**
12 **under paragraph (1) shall include the**
13 **following:**

14 **“(i) Comprehensive, research-**
15 **based, long-range, and quantifi-**
16 **able goals for reducing illicit drug**
17 **use and the consequences of illicit**
18 **drug use in the United States.**

19 **“(ii) Annual quantifiable ob-**
20 **jectives for demand reduction,**
21 **supply reduction, and law en-**
22 **forcement activities, specific tar-**
23 **gets to accomplish long-range**
24 **quantifiable reduction in illicit**
25 **drug use as determined by the Di-**

1 rector, and specific measurements
2 to evaluate progress toward the
3 targets and strategic goals.

4 “(iii) A strategy to reduce the
5 availability and purity of illegal
6 drugs and the level of drug-re-
7 lated crime in the United States.

8 “(iv) An assessment of Federal
9 effectiveness in achieving the Na-
10 tional Drug Control Strategy for
11 the previous year, including a
12 specific evaluation of whether the
13 objectives and targets for reduc-
14 ing illicit drug use for the pre-
15 vious year were met and reasons
16 for the success or failure of the
17 previous year’s Strategy.

18 “(v) A general review of the
19 status of, and trends in, inter-
20 national, State, and local drug
21 control activities to ensure that
22 the United States pursues well-co-
23 ordinated and effective drug con-
24 trol at all levels of government.

1 “(vi) A general review of the
2 status of, and trends in, demand
3 reduction activities by private
4 sector entities and community-
5 based organizations, including
6 faith-based organizations, to de-
7 termine their effectiveness and
8 the extent of cooperation, coordi-
9 nation, and mutual support be-
10 tween such entities and organiza-
11 tions and Federal, State, and local
12 government agencies.

13 “(vii) An assessment of cur-
14 rent illicit drug use (including
15 inhalants and steroids) and avail-
16 ability, impact of illicit drug use,
17 and treatment availability, which
18 assessment shall include—

19 “(I) estimates of drug
20 prevalence and frequency of
21 use as measured by national,
22 State, and local surveys of il-
23 licit drug use and by other
24 special studies of non-

1 **dependent and dependent il-**
2 **licit drug use;**

3 **“(II) illicit drug use in the**
4 **workplace and the produc-**
5 **tivity lost by such use; and**

6 **“(III) illicit drug use by**
7 **arrestees, probationers, and**
8 **parolees.**

9 **“(viii) An assessment of the**
10 **reduction of illicit drug avail-**
11 **ability, as measured by—**

12 **“(I) the quantities of co-**
13 **caine, heroin, marijuana,**
14 **methamphetamine, ecstasy,**
15 **and other drugs available for**
16 **consumption in the United**
17 **States;**

18 **“(II) the amount of mari-**
19 **juana, cocaine, heroin, meth-**
20 **amphetamine, ecstasy, and**
21 **precursor chemicals and**
22 **other drugs entering the**
23 **United States;**

24 **“(III) the number of illicit**
25 **drug manufacturing labora-**

1 **tries seized and destroyed**
2 **and the number of hectares of**
3 **marijuana, poppy, and coca**
4 **cultivated and destroyed do-**
5 **mestically and in other coun-**
6 **tries;**

7 **“(IV) the number of metric**
8 **tons of marijuana, heroin, co-**
9 **caine, and methamphetamine**
10 **seized and other drugs; and**

11 **“(V) changes in the price**
12 **and purity of heroin, meth-**
13 **amphetamine, and cocaine,**
14 **changes in the price of ec-**
15 **stasy, and changes in**
16 **tetrahydrocannabinol level of**
17 **marijuana and other drugs.**

18 **“(ix) An assessment of the re-**
19 **duction of the consequences of il-**
20 **licit drug use and availability,**
21 **which shall include—**

22 **“(I) the burden illicit drug**
23 **users place on hospital emer-**
24 **gency departments in the**
25 **United States, such as the**

1 **quantity of illicit drug-related**
2 **services provided;**

3 **“(II) the annual national**
4 **health care cost of illicit drug**
5 **use; and**

6 **“(III) the extent of illicit**
7 **drug-related crime and crimi-**
8 **nal activity.**

9 **“(x) A general review of the**
10 **status of, and trends in, of drug**
11 **treatment in the United States, by**
12 **assessing—**

13 **“(I) public and private**
14 **treatment utilization; and**

15 **“(II) the number of illicit**
16 **drug users the Director esti-**
17 **mates meet diagnostic criteria**
18 **for treatment.**

19 **“(xi) A review of the research**
20 **agenda of the Counterdrug Tech-**
21 **nology Assessment Center to re-**
22 **duce the availability and abuse of**
23 **drugs.**

24 **“(xii) A summary of the efforts**
25 **made by Federal agencies to co-**

1 **ordinate with private sector enti-**
2 **ties to conduct private research**
3 **and development of medications**
4 **to treat addiction by—**

5 **“(I) screening chemicals**
6 **for potential therapeutic**
7 **value;**

8 **“(II) developing promising**
9 **compounds;**

10 **“(III) conducting clinical**
11 **trials;**

12 **“(IV) seeking, where ap-**
13 **propriate, Food and Drug Ad-**
14 **ministration approval for**
15 **drugs to treat addiction;**

16 **“(V) marketing, where ap-**
17 **propriate, the drug for the**
18 **treatment of addiction;**

19 **“(VI) urging physicians,**
20 **where appropriate, to use the**
21 **drug in the treatment of ad-**
22 **diction; and**

23 **“(VII) encouraging, where**
24 **appropriate, insurance com-**
25 **panies to reimburse the cost**

1 of the drug for the treatment
2 of addiction.

3 “(xiii) Such additional statis-
4 tical data and information as the
5 Director considers appropriate to
6 demonstrate and assess trends re-
7 lating to illicit drug use, the ef-
8 fects and consequences of illicit
9 drug use, supply reduction, de-
10 mand reduction, drug-related law
11 enforcement, and the implementa-
12 tion of the National Drug Control
13 Strategy.

14 “(xiv) A supplement reviewing
15 the activities of each individual
16 National Drug Control Program
17 agency during the previous year
18 with respect to the National Drug
19 Control Strategy and the Direc-
20 tor’s assessment of the progress of
21 each National Drug Control Pro-
22 gram agency in meeting its re-
23 sponsibilities under the National
24 Drug Control Strategy.

“(B) CLASSIFIED INFORMATION.—

Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

“(C) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

“(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

“(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treat-

1 ment programs in the United
2 States.

3 “(3) PROCESS FOR DEVELOPMENT AND
4 SUBMISSION.—

5 “(A) CONSULTATION.—In devel-
6 oping and effectively implementing
7 the National Drug Control Strategy,
8 the Director—

9 “(i) shall consult with—

10 “(I) the heads of the Na-
11 tional Drug Control Program
12 agencies;

13 “(II) Congress;

14 “(III) State and local offi-
15 cials;

16 “(IV) private citizens and
17 organizations, including
18 community- and faith-based
19 organizations, with experi-
20 ence and expertise in demand
21 reduction;

22 “(V) private citizens and
23 organizations with experience
24 and expertise in supply reduc-
25 tion;

1 **“(VI) private citizens and**
2 **organizations with experience**
3 **and expertise in law enforce-**
4 **ment; and**

5 **“(VII) appropriate rep-**
6 **resentatives of foreign gov-**
7 **ernments;**

8 **“(ii) with the concurrence of**
9 **the Attorney General, may re-**
10 **quire the El Paso Intelligence**
11 **Center to undertake specific**
12 **tasks or projects to implement the**
13 **National Drug Control Strategy;**

14 **“(iii) with the concurrence of**
15 **the Director of National Intel-**
16 **ligence and the Attorney General,**
17 **may request that the National**
18 **Drug Intelligence Center under-**
19 **take specific tasks or projects to**
20 **implement the National Drug**
21 **Control Strategy; and**

22 **“(iv) may make recommenda-**
23 **tions to the Secretary of Health**
24 **and Human Services on research**

1 that supports or advances the Na-
2 tional Drug Control Strategy.

3 “(B) COMMITMENT TO SUPPORT
4 STRATEGY.—In satisfying the require-
5 ments of subparagraph (A)(i), the Di-
6 rector shall ensure, to the maximum
7 extent possible, that State and local
8 officials and relevant private organi-
9 zations commit to support and take
10 steps to achieve the goals and objec-
11 tives of the National Drug Control
12 Strategy.

13 “(C) RECOMMENDATIONS.—Rec-
14 ommendations under subparagraph
15 (A)(iv) may include recommendations
16 of research to be performed at the
17 National Institutes of Health, includ-
18 ing the National Institute on Drug
19 Abuse, or any other appropriate agen-
20 cy within the Department of Health
21 and Human Services.

22 “(D) INCLUSION IN STRATEGY.—The
23 National Drug Control Strategy
24 under this subsection shall include a

1 list of each entity consulted under
2 subparagraph (A)(i).

3 “(4) SUBMISSION OF REVISED STRAT-
4 EGY.—The President may submit to Con-
5 gress a revised National Drug Control
6 Strategy that meets the requirements of
7 this section—

8 “(A) at any time, upon a deter-
9 mination by the President, in con-
10 sultation with the Director, that the
11 National Drug Control Strategy in ef-
12 fect is not sufficiently effective; or

13 “(B) if a new President or Direc-
14 tor takes office.

15 “(b) PERFORMANCE MEASUREMENT SYS-
16 TEM.—Not later than February 1 of each year,
17 the Director shall submit to Congress, as part
18 of the National Drug Control Strategy, a de-
19 scription of a national drug control perform-
20 ance measurement system that—

21 “(1) develops 2-year and 5-year per-
22 formance measures and targets for each
23 National Drug Control Strategy goal and
24 objective established for reducing drug

1 **use, drug availability, and the con-**
2 **sequences of drug use;**

3 **“(2) describes the sources of informa-**
4 **tion and data that will be used for each**
5 **performance measure incorporated into**
6 **the performance measurement system;**

7 **“(3) identifies major programs and ac-**
8 **tivities of the National Drug Control Pro-**
9 **gram agencies that support the goals and**
10 **annual objectives of the National Drug**
11 **Control Strategy;**

12 **“(4) evaluates the contribution of de-**
13 **mand reduction and supply reduction ac-**
14 **tivities implemented by each National**
15 **Drug Control Program agency in support**
16 **of the National Drug Control Strategy;**

17 **“(5) monitors consistency of drug-re-**
18 **lated goals and objectives among the Na-**
19 **tional Drug Control Program agencies**
20 **and ensures that each agency’s goals, ob-**
21 **jectives, and budgets support and are**
22 **fully consistent with the National Drug**
23 **Control Strategy; and**

24 **“(6) coordinates the development and**
25 **implementation of national drug control**

1 **data collection and reporting systems to**
2 **support policy formulation and perform-**
3 **ance measurement, including an assess-**
4 **ment of—**

5 **“(A) the quality of current drug**
6 **use measurement instruments and**
7 **techniques to measure supply reduc-**
8 **tion and demand reduction activities;**

9 **“(B) the adequacy of the coverage**
10 **of existing national drug use meas-**
11 **urement instruments and techniques**
12 **to measure the illicit drug user popu-**
13 **lation, and groups that are at risk for**
14 **illicit drug use; and**

15 **“(C) the adequacy of the coverage**
16 **of existing national treatment out-**
17 **come monitoring systems to measure**
18 **the effectiveness of drug abuse treat-**
19 **ment in reducing illicit drug use and**
20 **criminal behavior during and after**
21 **the completion of substance abuse**
22 **treatment; and**

23 **“(7) identifies the actions the Director**
24 **shall take to correct any inadequacies,**
25 **deficiencies, or limitations identified in**

1 the assessment described in paragraph
2 (6).

3 “(c) MODIFICATIONS.—A description of any
4 modifications made during the preceding
5 year to the national drug performance meas-
6 urement system described in subsection (b)
7 shall be included in each report submitted
8 under subsection (a).”.

9 SEC. 109. HIGH INTENSITY DRUG TRAFFICKING AREAS
10 PROGRAM.

11 Section 707 (21 U.S.C. 1706) is amended to
12 read as follows:

13 “SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS
14 PROGRAM.

15 “(a) ESTABLISHMENT.—

16 “(1) IN GENERAL.—There is established
17 in the Office a program to be known as
18 the High Intensity Drug Trafficking
19 Areas Program (in this section referred
20 to as the ‘Program’).

21 “(2) PURPOSE.—The purpose of the
22 Program is to reduce drug trafficking
23 and drug production in the United States
24 by—

1 “(A) facilitating cooperation
2 among Federal, State, and local law
3 enforcement agencies to share infor-
4 mation and implement coordinated
5 enforcement activities;

6 “(B) enhancing intelligence shar-
7 ing among Federal, State, and local
8 law enforcement agencies;

9 “(C) providing reliable intel-
10 ligence to law enforcement agencies
11 needed to design effective enforce-
12 ment strategies and operations; and

13 “(D) supporting coordinated law
14 enforcement strategies which maxi-
15 mize use of available resources to re-
16 duce the supply of illegal drugs in
17 designated areas and in the United
18 States as a whole.

19 “(b) DESIGNATION.—The Director, upon
20 consultation with the Attorney General, the
21 Secretary of the Treasury, the Secretary of
22 Homeland Security, heads of the National
23 Drug Control Program agencies, and the Gov-
24 ernor of each applicable State, may designate
25 any specified area of the United States as a

1 **high intensity drug trafficking area. After**
2 **making such a designation and in order to**
3 **provide Federal assistance to the area so des-**
4 **ignated, the Director may—**

5 **“(1) obligate such sums as are appro-**
6 **priated for the Program;**

7 **“(2) direct the temporary reassign-**
8 **ment of Federal personnel to such area,**
9 **subject to the approval of the head of the**
10 **department or agency that employs such**
11 **personnel;**

12 **“(3) take any other action authorized**
13 **under section 704 to provide increased**
14 **Federal assistance to those areas; and**

15 **“(4) coordinate activities under this**
16 **section (specifically administrative, rec-**
17 **ordkeeping, and funds management ac-**
18 **tivities) with State and local officials.**

19 **“(c) PETITIONS FOR DESIGNATION.—The Di-**
20 **rector shall establish regulations under which**
21 **a coalition of interested law enforcement**
22 **agencies from an area may petition for des-**
23 **ignation as a high intensity drug trafficking**
24 **area. Such regulations shall provide for a reg-**
25 **ular review by the Director of the petition, in-**

1 cluding a recommendation regarding the
2 merit of the petition to the Director by a
3 panel of qualified, independent experts.

4 “(d) FACTORS FOR CONSIDERATION.—In con-
5 sidering whether to designate an area under
6 this section as a high intensity drug traf-
7 ficking area, the Director shall consider, in
8 addition to such other criteria as the Director
9 considers to be appropriate, the extent to
10 which—

11 “(1) the area is a significant center of
12 illegal drug production, manufacturing,
13 importation, or distribution;

14 “(2) State and local law enforcement
15 agencies have committed resources to re-
16 spond to the drug trafficking problem in
17 the area, thereby indicating a determina-
18 tion to respond aggressively to the prob-
19 lem;

20 “(3) drug-related activities in the area
21 are having a significant harmful impact
22 in the area, and in other areas of the
23 country; and

24 “(4) a significant increase in alloca-
25 tion of Federal resources is necessary to

1 respond adequately to drug-related ac-
2 tivities in the area.

3 “(e) ORGANIZATION OF HIGH INTENSITY
4 DRUG TRAFFICKING AREAS.—

5 “(1) EXECUTIVE BOARD AND OFFICERS.—

6 To be eligible for funds appropriated
7 under this section, each high intensity
8 drug trafficking area shall be governed
9 by an Executive Board. The Executive
10 Board shall designate a chairman, vice
11 chairman, and any other officers to the
12 Executive Board that it determines are
13 necessary.

14 “(2) RESPONSIBILITIES.—The Executive
15 Board of a high intensity drug trafficking
16 area shall be responsible for—

17 “(A) providing direction and over-
18 sight in establishing and achieving
19 the goals of the high intensity drug
20 trafficking area;

21 “(B) managing the funds of the
22 high intensity drug trafficking area;

23 “(C) reviewing and approving all
24 funding proposals consistent with the

1 **overall objective of the high intensity**
2 **drug trafficking area; and**

3 **“(D) reviewing and approving all**
4 **reports to the Director on the activi-**
5 **ties of the high intensity drug traf-**
6 **ficking area.**

7 **“(3) BOARD REPRESENTATION.—None of**
8 **the funds appropriated under this section**
9 **may be expended for any high intensity**
10 **drug trafficking area, or for a partner-**
11 **ship or region of a high intensity drug**
12 **trafficking area, if that area’s, region’s or**
13 **partnership’s Executive Board does not**
14 **apportion an equal number of votes be-**
15 **tween representatives of participating**
16 **Federal agencies and representatives of**
17 **participating State and local agencies.**
18 **Where it is impractical for a equal num-**
19 **ber of representatives of Federal agen-**
20 **cies and State and local agencies to at-**
21 **tend a meeting of an Executive Board in**
22 **person, the Executive Board may use a**
23 **system of proxy votes or weighted votes**
24 **to achieve the voting balance required by**
25 **this paragraph.**

1 **“(4) NO AGENCY RELATIONSHIP.—The**
2 **eligibility requirements of this section**
3 **are intended to ensure the responsible**
4 **use of Federal funds. Nothing in this sec-**
5 **tion is intended to create an agency rela-**
6 **tionship between individual high inten-**
7 **sity drug trafficking areas and the Fed-**
8 **eral Government.**

9 **“(f) USE OF FUNDS.—The Director shall en-**
10 **sure that no Federal funds appropriated for**
11 **the Program are expended for the establish-**
12 **ment or expansion of drug treatment or drug**
13 **use prevention programs.**

14 **“(g) COUNTERTERRORISM ACTIVITIES.—**

15 **“(1) ASSISTANCE AUTHORIZED.—The Di-**
16 **rector may authorize use of resources**
17 **available for the Program to assist Fed-**
18 **eral, State, and local law enforcement**
19 **agencies in investigations and activities**
20 **related to terrorism and prevention of**
21 **terrorism, especially but not exclusively**
22 **with respect to such investigations and**
23 **activities that are also related to drug**
24 **trafficking.**

1 **“(2) LIMITATION.—The Director shall**
2 **ensure—**

3 **“(A) that assistance provided**
4 **under paragraph (1) remains inci-**
5 **dental to the purpose of the Program**
6 **to reduce drug availability and carry**
7 **out drug-related law enforcement ac-**
8 **tivities; and**

9 **“(B) that significant resources of**
10 **the Program are not redirected to ac-**
11 **tivities exclusively related to ter-**
12 **rorism, except on a temporary basis**
13 **under extraordinary circumstances,**
14 **as determined by the Director.**

15 **“(h) ROLE OF DRUG ENFORCEMENT ADMINIS-**
16 **TRATION.—The Director, in consultation with**
17 **the Attorney General, shall ensure that a rep-**
18 **resentative of the Drug Enforcement Adminis-**
19 **tration is included in the Intelligence Support**
20 **Center for each high intensity drug traf-**
21 **ficking area.**

22 **“(i) ANNUAL HIDTA PROGRAM BUDGET SUB-**
23 **MISSIONS.—As part of the documentation that**
24 **supports the President’s annual budget re-**
25 **quest for the Office, the Director shall submit**

1 to Congress a budget justification that in-
2 cludes the following:

3 “(1) The amount requested for each
4 high intensity drug trafficking area with
5 supporting narrative descriptions and ra-
6 tionale for each request.

7 “(2) A detailed justification for each
8 funding request that explains the reasons
9 for the requested funding level, how such
10 funding level was determined based on a
11 current assessment of the drug traf-
12 ficking threat in each high intensity drug
13 trafficking area, how such funding will
14 ensure that the goals and objectives of
15 each such area will be achieved, and how
16 such funding supports the National Drug
17 Control Strategy.

18 “(j) EMERGING THREAT RESPONSE FUND.—

19 “(1) IN GENERAL.—The Director may
20 expend up to 10 percent of the amounts
21 appropriated under this section on a dis-
22 cretionary basis, to respond to any
23 emerging drug trafficking threat in an
24 existing high intensity drug trafficking
25 area, or to establish a new high intensity

1 **drug trafficking area or expand an exist-**
2 **ing high intensity drug trafficking area,**
3 **in accordance with the criteria estab-**
4 **lished under paragraph (2).**

5 **“(2) CONSIDERATION OF IMPACT.—In al-**
6 **locating funds under this subsection, the**
7 **Director shall consider—**

8 **“(A) the impact of activities fund-**
9 **ed on reducing overall drug traffic in**
10 **the United States, or minimizing the**
11 **probability that an emerging drug**
12 **trafficking threat will spread to other**
13 **areas of the United States; and**

14 **“(B) such other criteria as the Di-**
15 **rector considers appropriate.**

16 **“(k) EVALUATION.—**

17 **“(1) INITIAL REPORT.—Not later than**
18 **90 days after the date of the enactment of**
19 **this subsection, the Director shall, after**
20 **consulting with the Executive Boards of**
21 **each designated high intensity drug traf-**
22 **ficking area, submit a report to Congress**
23 **that describes, for each designated high**
24 **intensity drug trafficking area—**

1 “(A) the specific purposes for the
2 high intensity drug trafficking area;

3 “(B) the specific long-term and
4 short-term goals and objectives for
5 the high intensity drug trafficking
6 area;

7 “(C) the measurements that will
8 be used to evaluate the performance
9 of the high intensity drug trafficking
10 area in achieving the long-term and
11 short-term goals; and

12 “(D) the reporting requirements
13 needed to evaluate the performance
14 of the high intensity drug trafficking
15 area in achieving the long-term and
16 short-term goals.

17 “(2) EVALUATION OF HIDTA PROGRAM AS
18 PART OF NATIONAL DRUG CONTROL STRAT-
19 EGY.—For each designated high intensity
20 drug trafficking area, the Director shall
21 submit, as part of the annual National
22 Drug Control Strategy report, a report
23 that—

24 “(A) describes—

1 “(i) the specific purposes for
2 the high intensity drug traf-
3 ficking area; and

4 “(ii) the specific long-term
5 and short-term goals and objec-
6 tives for the high intensity drug
7 trafficking area; and

8 “(B) includes an evaluation of the
9 performance of the high intensity
10 drug trafficking area in accom-
11 plishing the specific long-term and
12 short-term goals and objectives iden-
13 tified under paragraph (1)(B).

14 “(I) ASSESSMENT OF DRUG ENFORCEMENT
15 TASK FORCES IN HIGH INTENSITY DRUG TRAF-
16 FICKING AREAS.—Not later than 180 days after
17 the date of enactment of this subsection, and
18 as part of each subsequent annual National
19 Drug Control Strategy report, the Director
20 shall submit to Congress a report—

21 “(1) assessing the number and oper-
22 ation of all federally funded drug en-
23 forcement task forces within each high
24 intensity drug trafficking area; and

25 “(2) describing—

1 “(A) each Federal, State, and local
2 drug enforcement task force oper-
3 ating in the high intensity drug traf-
4 ficking area;

5 “(B) how such task forces coordi-
6 nate with each other, with any high
7 intensity drug trafficking area task
8 force, and with investigations receiv-
9 ing funds from the Organized Crime
10 and Drug Enforcement Task Force;

11 “(C) what steps, if any, each such
12 task force takes to share information
13 regarding drug trafficking and drug
14 production with other federally fund-
15 ed drug enforcement task forces in
16 the high intensity drug trafficking
17 area;

18 “(D) the role of the high intensity
19 drug trafficking area in coordinating
20 the sharing of such information
21 among task forces;

22 “(E) the nature and extent of co-
23 operation by each Federal, State, and
24 local participant in ensuring that
25 such information is shared among

1 law enforcement agencies and with
2 the high intensity drug trafficking
3 area;

4 “(F) the nature and extent to
5 which information sharing and en-
6 forcement activities are coordinated
7 with joint terrorism task forces in the
8 high intensity drug trafficking area;
9 and

10 “(G) any recommendations for
11 measures needed to ensure that task
12 force resources are utilized efficiently
13 and effectively to reduce the avail-
14 ability of illegal drugs in the high in-
15 tensity drug trafficking areas.

16 “(m) ASSESSMENT OF INTELLIGENCE SHARING
17 IN HIGH INTENSITY DRUG TRAFFICKING AREAS—
18 PROGRAM.—Not later than 180 days after the
19 date of the enactment of this subsection, and
20 as part of each subsequent annual National
21 Drug Control Strategy report, the Director
22 shall submit to Congress a report—

23 “(1) evaluating existing and planned
24 intelligence systems supported by each
25 high intensity drug trafficking area, or

1 utilized by task forces receiving any
2 funding under the Program, including
3 the extent to which such systems ensure
4 access and availability of intelligence to
5 Federal, State, and local law enforcement
6 agencies within the high intensity drug
7 trafficking area and outside of it;

8 “(2) the extent to which Federal,
9 State, and local law enforcement agencies
10 participating in each high intensity drug
11 trafficking area are sharing intelligence
12 information to assess current drug traf-
13 ficking threats and design appropriate
14 enforcement strategies; and

15 “(3) the measures needed to improve
16 effective sharing of information and in-
17 telligence regarding drug trafficking and
18 drug production among Federal, State,
19 and local law enforcement participating
20 in a high intensity drug trafficking area,
21 and between such agencies and similar
22 agencies outside the high intensity drug
23 trafficking area.

24 “(n) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to the

1 **Office of National Drug Control Policy to**
2 **carry out this section—**

3 **“(1) \$280,000,000 for fiscal year 2006;**

4 **“(2) \$290,000,000 for each of fiscal**
5 **years 2007 and 2008; and**

6 **“(3) \$300,000,000 for each of fiscal**
7 **years 2009 and 2010.”.**

8 **SEC. 110. FUNDING FOR CERTAIN HIGH INTENSITY DRUG**
9 **TRAFFICKING AREAS.**

10 **(a) SHORT TITLE.—This section may be**
11 **cited as the “Dawson Family Community Pro-**
12 **tection Act”.**

13 **(b) FINDINGS.—Congress finds the fol-**
14 **lowing:**

15 **(1) In the early morning hours of Oc-**
16 **tober 16, 2002, the home of Carnell and**
17 **Angela Dawson was firebombed in appar-**
18 **ent retaliation for Mrs. Dawson’s notifica-**
19 **tion of police about persistent drug dis-**
20 **tribution activity in their East Baltimore**
21 **City neighborhood.**

22 **(2) The arson claimed the lives of Mr.**
23 **and Mrs. Dawson and their 5 young chil-**
24 **dren, aged 9 to 14.**

1 **(3) The horrific murder of the Daw-**
2 **son family is a stark example of domestic**
3 **narco-terrorism.**

4 **(4) In all phases of counter-narcotics**
5 **law enforcement—from prevention to in-**
6 **vestigation to prosecution to reentry—the**
7 **voluntary cooperation of ordinary citi-**
8 **zens is a critical component.**

9 **(5) Voluntary cooperation is difficult**
10 **for law enforcement officials to obtain**
11 **when citizens feel that cooperation car-**
12 **ries the risk of violent retaliation by ille-**
13 **gal drug trafficking organizations and**
14 **their affiliates.**

15 **(6) Public confidence that law en-**
16 **forcement is doing all it can to make**
17 **communities safe is a prerequisite for**
18 **voluntary cooperation among people who**
19 **may be subject to intimidation or reprisal**
20 **(or both).**

21 **(7) Witness protection programs are**
22 **insufficient on their own to provide secu-**
23 **rity because many individuals and fami-**
24 **lies who strive every day to make dis-**
25 **tressed neighborhoods livable for their**

1 children, other relatives, and neighbors
2 will resist or refuse offers of relocation
3 by local, State, and Federal prosecutorial
4 agencies and because, moreover, the con-
5 tinued presence of strong individuals and
6 families is critical to preserving and
7 strengthening the social fabric in such
8 communities.

9 (8) Where (as in certain sections of
10 Baltimore City) interstate trafficking of
11 illegal drugs has severe ancillary local
12 consequences within areas designated as
13 high intensity drug trafficking areas, it is
14 important that supplementary High In-
15 tensity Drug Trafficking Areas Program
16 funds be committed to support initiatives
17 aimed at making the affected commu-
18 nities safe for the residents of those com-
19 munities and encouraging their coopera-
20 tion with local, State, and Federal law en-
21 forcement efforts to combat illegal drug
22 trafficking.

23 (c) FUNDING FOR CERTAIN HIGH INTENSITY
24 DRUG TRAFFICKING AREAS.—Section 707 (21
25 U.S.C. 1706), as amended by section 109, is fur-

1 ther amended by adding at the end the fol-
2 lowing new subsection:

3 “(o) SPECIFIC PURPOSES.—

4 “(1) IN GENERAL.—The Director shall
5 ensure that, of the amounts appropriated
6 for a fiscal year for the Program, at least
7 \$5,000,000 is used in high intensity drug
8 trafficking areas with severe neighbor-
9 hood safety and illegal drug distribution
10 problems.

11 “(2) REQUIRED USES.—The funds used
12 under paragraph (1) shall be used—

13 “(A) to ensure the safety of neigh-
14 borhoods and the protection of com-
15 munities, including the prevention of
16 the intimidation of potential wit-
17 nesses of illegal drug distribution and
18 related activities; and

19 “(B) to combat illegal drug traf-
20 ficking through such methods as the
21 Director considers appropriate, such
22 as establishing or operating (or both)
23 a toll-free telephone hotline for use
24 by the public to provide information
25 about illegal drug-related activities.”.

1 SEC. 111. AMENDMENTS RELATING TO COUNTER-DRUG
2 TECHNOLOGY ASSESSMENT CENTER.

3 (a) CHIEF SCIENTIST.—Section 708(b) (21
4 U.S.C. 1707(b)) is amended—

5 (1) in the heading by striking “DIREC-
6 TOR OF TECHNOLOGY.—” and inserting
7 “CHIEF SCIENTIST.—”; and

8 (2) by striking “Director of Tech-
9 nology,” and inserting “Chief Scientist,”.

10 (b) ADDITIONAL RESPONSIBILITIES OF DIREC-
11 TOR.—Section 708(c) (21 U.S.C. 1707(c)) is
12 amended to read as follows:

13 “(c) ADDITIONAL RESPONSIBILITIES OF THE
14 DIRECTOR OF NATIONAL DRUG CONTROL POL-
15 ICY.—

16 “(1) IN GENERAL.—The Director, acting
17 through the Chief Scientist shall—

18 “(A) identify and define the
19 short-, medium-, and long-term sci-
20 entific and technological needs of
21 Federal, State, and local law enforce-
22 ment agencies relating to drug en-
23 forcement, including—

24 “(i) advanced surveillance,
25 tracking, and radar imaging;

1 “(ii) electronic support meas-
2 ures;

3 “(iii) communications;

4 “(iv) data fusion, advanced
5 computer systems, and artificial
6 intelligence; and

7 “(v) chemical, biological, radi-
8 ological (including neutron, elec-
9 tron, and graviton), and other
10 means of detection;

11 “(B) identify demand reduction
12 (including drug prevention) basic and
13 applied research needs and initia-
14 tives, in consultation with affected
15 National Drug Control Program agen-
16 cies, including—

17 “(i) improving treatment
18 through neuroscientific advances;

19 “(ii) improving the transfer of
20 biomedical research to the clin-
21 ical setting; and

22 “(iii) in consultation with the
23 National Institute on Drug Abuse
24 and the Substance Abuse and
25 Mental Health Services Adminis-

1 tration, and through interagency
2 agreements or grants, examining
3 addiction and rehabilitation re-
4 search and the application of
5 technology to expanding the ef-
6 fectiveness or availability of drug
7 treatment;

8 “(C) make a priority ranking of
9 such needs identified in subpara-
10 graphs (A) and (B) according to fiscal
11 and technological feasibility, as part
12 of a National Counterdrug Research
13 and Development Program;

14 “(D) oversee and coordinate
15 counterdrug technology initiatives
16 with related activities of other Fed-
17 eral civilian and military depart-
18 ments;

19 “(E) provide support to the devel-
20 opment and implementation of the
21 national drug control performance
22 measurement system established
23 under subsection (b) of section 706;

24 “(F) with the advice and counsel
25 of experts from State and local law

1 enforcement agencies, oversee and
2 coordinate a technology transfer pro-
3 gram for the transfer of technology to
4 State and local law enforcement
5 agencies; and

6 “(G) pursuant to the authority of
7 the Director of National Drug Control
8 Policy under section 704, submit re-
9 quests to Congress for the reprogram-
10 ming or transfer of funds appro-
11 priated for counterdrug technology
12 research and development.

13 “(2) PRIORITIES IN TRANSFERRING TECH-
14 NOLOGY.—

15 “(A) IN GENERAL.—The Chief Sci-
16 entist shall give priority, in transfer-
17 ring technology under paragraph
18 (1)(F), based on the following criteria:

19 “(i) the need of potential re-
20 cipients for such technology;

21 “(ii) the effectiveness of the
22 technology to enhance current
23 counterdrug activities of poten-
24 tial recipients; and

1 “(iii) the ability and willing-
2 ness of potential recipients to
3 evaluate transferred technology.

4 “(B) INTERDICTION AND BORDER
5 DRUG LAW ENFORCEMENT TECH-
6 NOLOGIES.—The Chief Scientist shall
7 give priority, in transferring tech-
8 nologies most likely to assist in drug
9 interdiction and border drug law en-
10 forcement, to State, local, and tribal
11 law enforcement agencies in south-
12 west border areas and northern bor-
13 der areas with significant traffic in il-
14 licit drugs.

15 “(3) LIMITATION ON AUTHORITY.—The
16 authority granted to the Director under
17 this subsection shall not extend to the di-
18 rect management of individual projects
19 or other operational activities.

20 “(4) REPORT.—On or before July 1 of
21 each year, the Director shall submit a re-
22 port to the appropriate congressional
23 committees that addresses the following:

24 “(A) The number of requests re-
25 ceived during the previous 12

1 months, including the identity of
2 each requesting agency and the type
3 of technology requested.

4 “(B) The number of requests ful-
5 filled during the previous 12 months,
6 including the identity of each recipi-
7 ent agency and the type of technology
8 transferred.

9 “(C) A summary of the criteria
10 used in making the determination on
11 what requests were funded and what
12 requests were not funded, except that
13 such summary shall not include spe-
14 cific information on any individual
15 requests.

16 “(D) A general assessment of the
17 future needs of the program, based
18 on expected changes in threats, ex-
19 pected technologies, and likely need
20 from potential recipients.

21 “(E) An assessment of the effec-
22 tiveness of the technologies trans-
23 ferred, based in part on the evalua-
24 tions provided by the recipients, with
25 a recommendation whether the tech-

1 nology should continue to be offered
2 through the program.”.

3 (c) ASSISTANCE FROM SECRETARY OF HOME-
4 LAND SECURITY.—Section 708(d) (21 U.S.C.
5 1707(d)) is amended by inserting “, the Sec-
6 retary of Homeland Security,” after “The Sec-
7 retary of Defense”.

8 SEC. 112. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

9 (a) IN GENERAL.—Section 709 (21 U.S.C.
10 1708) is amended to read as follows:

11 “SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.

12 “(a) IN GENERAL.—The Director shall con-
13 duct a national youth anti-drug media cam-
14 paign (referred to in this subtitle as the ‘na-
15 tional media campaign’) in accordance with
16 this section for the purposes of—

17 “(1) preventing drug abuse among
18 young people in the United States;

19 “(2) increasing awareness of adults of
20 the impact of drug abuse on young peo-
21 ple; and

22 “(3) encouraging parents and other
23 interested adults to discuss with young
24 people the dangers of illegal drug use.

25 “(b) USE OF FUNDS.—

1 **“(1) IN GENERAL.—Amounts made**
2 **available to carry out this section for the**
3 **national media campaign may only be**
4 **used for the following:**

5 **“(A) The purchase of media time**
6 **and space, including the strategic**
7 **planning for, and accounting of, such**
8 **purchases.**

9 **“(B) Creative and talent costs,**
10 **consistent with paragraph (2)(A).**

11 **“(C) Advertising production costs.**

12 **“(D) Testing and evaluation of ad-**
13 **vertising.**

14 **“(E) Evaluation of the effective-**
15 **ness of the national media campaign.**

16 **“(F) The negotiated fees for the**
17 **winning bidder on requests for pro-**
18 **posals issued either by the Office or**
19 **its designee to enter into contracts to**
20 **carry out activities authorized by this**
21 **section.**

22 **“(G) Partnerships with profes-**
23 **sional and civic groups, community-**
24 **based organizations, including faith-**
25 **based organizations, and government**

1 **organizations related to the national**
2 **media campaign.**

3 **“(H) Entertainment industry out-**
4 **reach, interactive outreach, media**
5 **projects and activities, public infor-**
6 **mation, news media outreach, and**
7 **corporate sponsorship and participa-**
8 **tion.**

9 **“(I) Operational and management**
10 **expenses.**

11 **“(2) SPECIFIC REQUIREMENTS.—**

12 **“(A) CREATIVE SERVICES.—**

13 **“(i) In using amounts for cre-**
14 **ative and talent costs under para-**
15 **graph (1)(B), the Director shall**
16 **use creative services donated at**
17 **no cost to the Government (in-**
18 **cluding creative services pro-**
19 **vided by the Partnership for a**
20 **Drug-Free America) wherever fea-**
21 **sible and may only procure cre-**
22 **ative services for advertising—**

23 **“(I) responding to high-**
24 **priority or emergent cam-**

1 **paigned needs that cannot time-**
2 **ly be obtained at no cost; or**

3 **“(II) intended to reach a**
4 **minority, ethnic, or other spe-**
5 **cial audience that cannot rea-**
6 **sonably be obtained at no**
7 **cost; or**

8 **“(III) the Director deter-**
9 **mines that the Partnership**
10 **for a Drug-Free America is**
11 **unable to provide, pursuant**
12 **to subsection (d)(2)(B).**

13 **“(ii) No more than \$1,500,000**
14 **may be expended under this sec-**
15 **tion each fiscal year on creative**
16 **services, except that the Director**
17 **may expend up to \$2,000,000 in a**
18 **fiscal year on creative services to**
19 **meet urgent needs of the national**
20 **media campaign with advance ap-**
21 **proval from the Committee on Ap-**
22 **propriations of the House of Rep-**
23 **resentatives and of the Senate**
24 **upon a showing of the cir-**
25 **cumstances causing such urgent**

1 needs of the national media cam-
2 paign.

3 “(B) TESTING AND EVALUATION OF
4 ADVERTISING.—In using amounts for
5 testing and evaluation of advertising
6 under paragraph (1)(D), the Director
7 shall test all advertisements prior to
8 use in the national media campaign
9 to ensure that the advertisements are
10 effective and meet industry-accepted
11 standards. The Director may waive
12 this requirement for advertisements
13 using no more than 10 percent of the
14 purchase of advertising time pur-
15 chased under this section in a fiscal
16 year and no more than 10 percent of
17 the advertising space purchased
18 under this section in a fiscal year, if
19 the advertisements respond to emer-
20 gent and time-sensitive campaign
21 needs or the advertisements will not
22 be widely utilized in the national
23 media campaign.

24 “(C) EVALUATION OF EFFECTIVENESS
25 OF MEDIA CAMPAIGN.—In using

1 **amounts for the evaluation of the ef-**
2 **fectiveness of the national media**
3 **campaign under paragraph (1)(E), the**
4 **Director shall—**

5 **“(i) designate an independent**
6 **entity to evaluate annually the ef-**
7 **fectiveness of the national media**
8 **campaign based on data from—**

9 **“(I) the Monitoring the Fu-**
10 **ture Study published by the**
11 **Department of Health and**
12 **Human Services;**

13 **“(II) the Attitude Tracking**
14 **Study published by the Part-**
15 **nership for a Drug Free Amer-**
16 **ica;**

17 **“(III) the National House-**
18 **hold Survey on Drug Abuse;**
19 **and**

20 **“(IV) other relevant stud-**
21 **ies or publications, as deter-**
22 **mined by the Director, includ-**
23 **ing tracking and evaluation**
24 **data collected according to**

1 marketing and advertising in-
2 dustry standards; and

3 “(ii) ensure that the effective-
4 ness of the national media cam-
5 paign is evaluated in a manner
6 that enables consideration of
7 whether the national media cam-
8 paign has contributed to reduc-
9 tion of illicit drug use among
10 youth and such other measures of
11 evaluation as the Director deter-
12 mines are appropriate.

13 “(3) PURCHASE OF ADVERTISING TIME
14 AND SPACE.—For each fiscal year, not less
15 than 77 percent of the amounts appro-
16 priated under this section shall be used
17 for the purchase of advertising time and
18 space for the national media campaign,
19 subject to the following exceptions:

20 “(A) In any fiscal year for which
21 less than \$125,000,000 is appropriated
22 for the national media campaign, not
23 less than 82 percent of the amounts
24 appropriated under this section shall
25 be used for the purchase of adver-

1 tising time and space for the national
2 media campaign.

3 “(B) In any fiscal year for which
4 more than \$195,000,000 is appro-
5 priated under this section, not less
6 than 72 percent shall be used for ad-
7 vertising production costs and the
8 purchase of advertising time and
9 space for the national media cam-
10 paign.

11 “(c) ADVERTISING.—In carrying out this
12 section, the Director shall ensure that suffi-
13 cient funds are allocated to meet the stated
14 goals of the national media campaign.

15 “(d) DIVISION OF RESPONSIBILITIES AND
16 FUNCTIONS UNDER THE PROGRAM.—

17 “(1) IN GENERAL.—The Director, in
18 consultation with the Partnership for a
19 Drug-Free America, shall determine the
20 overall purposes and strategy of the na-
21 tional media campaign.

22 “(2) RESPONSIBILITIES.—

23 “(A) DIRECTOR.—The Director
24 shall be responsible for implementing
25 a focused national media campaign to

1 **meet the purposes set forth in sub-**
2 **section (a), and shall approve—**

3 **“(i) the strategy of the na-**
4 **tional media campaign;**

5 **“(ii) all advertising and pro-**
6 **motional material used in the na-**
7 **tional media campaign; and**

8 **“(iii) the plan for the pur-**
9 **chase of advertising time and**
10 **space for the national media cam-**
11 **paign.**

12 **“(B) THE PARTNERSHIP FOR A DRUG-**
13 **FREE AMERICA.—The Director shall re-**
14 **quest that the Partnership for a**
15 **Drug-Free America—**

16 **“(i) develop and recommend**
17 **strategies to achieve the goals of**
18 **the national media campaign, in-**
19 **cluding addressing national and**
20 **local drug threats in specific re-**
21 **gions or States, such as meth-**
22 **amphetamine and ecstasy;**

23 **“(ii) create all advertising to**
24 **be used in the national media**

1 **campaign, except advertisements**
2 **that are—**

3 **“(I) provided by other**
4 **nonprofit entities pursuant to**
5 **subsection (f);**

6 **“(II) intended to respond**
7 **to high-priority or emergent**
8 **campaign needs that cannot**
9 **timely be obtained at no cost**
10 **(not including production**
11 **costs and talent reuse pay-**
12 **ments), provided that any**
13 **such advertising material is**
14 **reviewed by the Partnership**
15 **for a Drug-Free America;**

16 **“(III) intended to reach a**
17 **minority, ethnic, or other spe-**
18 **cial audience that cannot be**
19 **obtained at no cost (not in-**
20 **cluding production costs and**
21 **talent reuse payments), pro-**
22 **vided that any such adver-**
23 **tising material is reviewed by**
24 **the Partnership for a Drug-**
25 **Free America; or**

1 **“(IV) any other advertise-**
2 **ments that the Director deter-**
3 **mines that the Partnership**
4 **for a Drug-Free America is**
5 **unable to provide.**

6 **“(C) MEDIA BUYING CONTRACTOR.—**
7 **The Director shall enter into a con-**
8 **tract with a media buying contractor**
9 **to plan and purchase advertising**
10 **time and space for the national media**
11 **campaign. The media buying con-**
12 **tractor shall not provide any other**
13 **service or material, or conduct any**
14 **other function or activity which the**
15 **Director determines should be pro-**
16 **vided by the Partnership for a Drug-**
17 **Free America.**

18 **“(e) PROHIBITIONS.—None of the amounts**
19 **made available under subsection (b) may be**
20 **obligated or expended for any of the fol-**
21 **lowing:**

22 **“(1) To supplant current antidrug**
23 **community-based coalitions.**

24 **“(2) To supplant pro bono public serv-**
25 **ice time donated by national and local**

1 **broadcasting networks for other public**
2 **service campaigns.**

3 **“(3) For partisan political purposes,**
4 **or express advocacy in support of or to**
5 **defeat any clearly identified candidate,**
6 **clearly identified ballot initiative, or**
7 **clearly identified legislative or regulatory**
8 **proposal.**

9 **“(4) To fund advertising that features**
10 **any elected officials, persons seeking**
11 **elected office, cabinet level officials, or**
12 **other Federal officials employed pursu-**
13 **ant to section 213 of Schedule C of title 5,**
14 **Code of Federal Regulations.**

15 **“(5) To fund advertising that does not**
16 **contain a primary message intended to**
17 **reduce or prevent illicit drug use.**

18 **“(6) To fund advertising containing a**
19 **primary message intended to promote**
20 **support for the media campaign or pri-**
21 **vate sector contributions to the media**
22 **campaign.**

23 **“(f) MATCHING REQUIREMENT.—**

24 **“(1) IN GENERAL.—Amounts made**
25 **available under subsection (b) for media**

1 time and space shall be matched by an
2 equal amount of non-Federal funds for
3 the national media campaign, or be
4 matched with in-kind contributions of
5 the same value.

6 “(2) NO-COST MATCH ADVERTISING DI-
7 RECT RELATIONSHIP REQUIREMENT.—The Di-
8 rector shall ensure that at least 70 per-
9 cent of no-cost match advertising pro-
10 vided directly relates to substance abuse
11 prevention consistent with the specific
12 purposes of the national media campaign,
13 except that in any fiscal year in which
14 less than \$125,000,000 is appropriated to
15 the national media campaign, the Direc-
16 tor shall ensure that at least 85 percent
17 of no-cost match advertising directly re-
18 lates to substance abuse prevention con-
19 sistent with the specific purposes of the
20 national media campaign.

21 “(3) NO-COST MATCH ADVERTISING NOT
22 DIRECTLY RELATED.—The Director shall
23 ensure that no-cost match advertising
24 that does not directly relate to substance
25 abuse prevention consistent with the pur-

1 poses of the national media campaign in-
2 cludes a clear antidrug message. Such
3 message is not required to be the primary
4 message of the match advertising.

5 “(g) FINANCIAL AND PERFORMANCE AC-
6 COUNTABILITY.—The Director shall cause to be
7 performed—

8 “(1) audits and reviews of costs of the
9 national media campaign pursuant to
10 section 304C of the Federal Property and
11 Administrative Services Act of 1949 (41
12 U.S.C. 254d); and

13 “(2) an audit to determine whether
14 the costs of the national media campaign
15 are allowable under section 306 of such
16 Act (41 U.S.C. 256).

17 “(h) REPORT TO CONGRESS.—The Director
18 shall submit on an annual basis a report to
19 Congress that describes—

20 “(1) the strategy of the national media
21 campaign and whether specific objectives
22 of the media campaign were accom-
23 plished;

24 “(2) steps taken to ensure that the na-
25 tional media campaign operates in an ef-

1 fective and efficient manner consistent
2 with the overall strategy and focus of the
3 national media campaign;

4 “(3) plans to purchase advertising
5 time and space;

6 “(4) policies and practices imple-
7 mented to ensure that Federal funds are
8 used responsibly to purchase advertising
9 time and space and eliminate the poten-
10 tial for waste, fraud, and abuse; and

11 “(5) all contracts entered into with a
12 corporation, partnership, or individual
13 working on behalf of the national media
14 campaign.

15 “(i) LOCAL TARGET REQUIREMENT.—The Di-
16 rector shall, to the maximum extent feasible,
17 use amounts made available under this sec-
18 tion for media that focuses on, or includes
19 specific information on, prevention or treat-
20 ment resources for consumers within specific
21 local areas.

22 “(j) PREVENTION OF MARIJUANA USE.—

23 “(1) FINDINGS.—The Congress finds
24 the following:

1 “(A) 60 percent of adolescent ad-
2 missions for drug treatment are
3 based on marijuana use.

4 “(B) Potency levels of contem-
5 porary marijuana, particularly
6 hydroponically grown marijuana, are
7 significantly higher than in the past,
8 rising from under 1 percent of THC in
9 the mid-1970s to as high as 30 percent
10 today.

11 “(C) Contemporary research has
12 demonstrated that youths smoking
13 marijuana early in life may be up to
14 five times more likely to use hard
15 drugs.

16 “(D) Contemporary research has
17 demonstrated clear detrimental ef-
18 fects in adolescent educational
19 achievement resulting from mari-
20 juana use.

21 “(E) Contemporary research has
22 demonstrated clear detrimental ef-
23 fects in adolescent brain development
24 resulting from marijuana use.

1 **“(F) An estimated 9,000,000 Ameri-**
2 **cans a year drive while under the in-**
3 **fluence of illegal drugs, including**
4 **marijuana.**

5 **“(G) Marijuana smoke contains 50**
6 **to 70 percent more of certain cancer**
7 **causing chemicals than tobacco**
8 **smoke.**

9 **“(H) Teens who use marijuana are**
10 **up to four times more likely to have a**
11 **teen pregnancy than teens who have**
12 **not.**

13 **“(I) Federal law enforcement**
14 **agencies have identified clear links**
15 **suggesting that trade in hydroponic**
16 **marijuana facilitates trade by crimi-**
17 **nal organizations in hard drugs, in-**
18 **cluding heroin.**

19 **“(J) Federal law enforcement**
20 **agencies have identified possible**
21 **links between trade in cannabis prod-**
22 **ucts and financing for terrorist orga-**
23 **nizations.**

24 **“(2) EMPHASIS ON PREVENTION OF**
25 **YOUTH MARIJUANA USE.—In conducting ad-**

1 **vertising and activities otherwise author-**
2 **ized under this section, the Director may**
3 **emphasize prevention of youth marijuana**
4 **use.**

5 **“(k) AUTHORIZATION OF APPROPRIATIONS.—**
6 **There is authorized to be appropriated to the**
7 **Office to carry out this section, \$195,000,000**
8 **for each of fiscal years 2006 and 2007 and**
9 **\$210,000,000 for each of fiscal years 2008**
10 **through 2010.”.**

11 **(b) REPEAL OF SUPERSEDED PROVISIONS.—**
12 **The Drug-Free Media Campaign Act of 1998**
13 **(21 U.S.C. 1801 et seq.) is repealed.**

14 **SEC. 113. DRUG INTERDICTION.**

15 **(a) IN GENERAL.—Subsections (a) and (b) of**
16 **section 711 (21 U.S.C. 1710) are amended to**
17 **read as follows:**

18 **“(a) UNITED STATES INTERDICTION COORDI-**
19 **NATOR.—**

20 **“(1) IN GENERAL.—The Deputy Direc-**
21 **tor for Supply Reduction in the Office**
22 **shall serve as the United States Interdic-**
23 **tion Coordinator, and shall perform the**
24 **duties of that position described in para-**
25 **graph (2) and such other duties as may**

1 be determined by the Director with re-
2 spect to coordination of efforts to inter-
3 dict illicit drugs from entering the United
4 States.

5 “(2) RESPONSIBILITIES.—The United
6 States Interdiction Coordinator shall be
7 responsible to the Director for—

8 “(A) coordinating the interdiction
9 activities of the National Drug Con-
10 trol Program agencies to ensure con-
11 sistency with the National Drug Con-
12 trol Strategy;

13 “(B) on behalf of the Director, de-
14 veloping and issuing, on or before
15 March 1 of each year and in accord-
16 ance with paragraph (3), a National
17 Interdiction Command and Control
18 Plan to ensure the coordination and
19 consistency described in subpara-
20 graph (A);

21 “(C) assessing the sufficiency of
22 assets committed to illicit drug inter-
23 diction by the relevant National Drug
24 Control Program agencies; and

1 **“(D) advising the Director on the**
2 **efforts of each National Drug Control**
3 **Program agency to implement the Na-**
4 **tional Interdiction Command and**
5 **Control Plan.**

6 **“(3) STAFF.—The Director shall assign**
7 **such permanent staff of the Office as he**
8 **considers appropriate to assist the**
9 **United States Interdiction Coordinator to**
10 **carry out the responsibilities described**
11 **in paragraph (2), and may also, at his dis-**
12 **cretion, request that appropriate Na-**
13 **tional Drug Control Program agencies de-**
14 **tail or assign staff to the Office of Supply**
15 **Reduction for that purpose.**

16 **“(4) NATIONAL INTERDICTION COMMAND**
17 **AND CONTROL PLAN.—**

18 **“(A) PURPOSES.—The National**
19 **Interdiction Command and Control**
20 **Plan shall—**

21 **“(i) set forth the Government’s**
22 **strategy for drug interdiction;**

23 **“(ii) state the specific roles**
24 **and responsibilities of the rel-**
25 **evant National Drug Control Pro-**

1 **gram agencies for implementing**
2 **that strategy; and**

3 **“(iii) identify the specific re-**
4 **sources required to enable the**
5 **relevant National Drug Control**
6 **Program agencies to implement**
7 **that strategy.**

8 **“(B) CONSULTATION WITH OTHER**
9 **AGENCIES.—The United States Inter-**
10 **diction Coordinator shall issue the**
11 **National Interdiction Command and**
12 **Control Plan in consultation with the**
13 **other members of the Interdiction**
14 **Committee described in subsection**
15 **(b).**

16 **“(C) LIMITATION.—The National**
17 **Interdiction Command and Control**
18 **Plan shall not change existing agency**
19 **authorities or the laws governing**
20 **interagency relationships, but may**
21 **include recommendations about**
22 **changes to such authorities or laws.**

23 **“(D) REPORT TO CONGRESS.—On or**
24 **before March 1 of each year, the**
25 **United States Interdiction Coordi-**

1 nator shall provide a report on behalf
2 of the Director to the appropriate
3 congressional committees, to the
4 Committee on Armed Services and
5 the Committee on Homeland Security
6 of the House of Representatives, and
7 to the Committee on Homeland Secu-
8 rity and Governmental Affairs and
9 the Committee on Armed Services of
10 the Senate, which shall include—

11 “(i) a copy of that year’s Na-
12 tional Interdiction Command and
13 Control Plan;

14 “(ii) information for the pre-
15 vious 10 years regarding the num-
16 ber and type of seizures of drugs
17 by each National Drug Control
18 Program agency conducting drug
19 interdiction activities, as well as
20 statistical information on the geo-
21 graphic areas of such seizures;
22 and

23 “(iii) information for the pre-
24 vious 10 years regarding the num-
25 ber of air and maritime patrol

1 hours undertaken by each Na-
2 tional Drug Control Program
3 agency conducting drug interdic-
4 tion activities, as well as statis-
5 tical information on the geo-
6 graphic areas in which such pa-
7 trol hours took place.

8 “(E) TREATMENT OF CLASSIFIED OR
9 LAW ENFORCEMENT SENSITIVE INFORMA-
10 TION.—Any content of the report de-
11 scribed in subparagraph (D) that in-
12 volves information classified under
13 criteria established by an Executive
14 order, or the public disclosure of
15 which, as determined by the United
16 States Interdiction Coordinator or
17 the head of any relevant National
18 Drug Control Program agency, would
19 be detrimental to the law enforce-
20 ment or national security activities of
21 any Federal, State, or local agency,
22 shall be presented to Congress sepa-
23 rately from the rest of the plan.

24 “(b) INTERDICTION COMMITTEE.—

1 **“(1) IN GENERAL.—The Interdiction**
2 **Committee shall meet to—**

3 **“(A) discuss and resolve issues re-**
4 **lated to the coordination, oversight**
5 **and integration of international, bor-**
6 **der, and domestic drug interdiction**
7 **efforts in support of the National**
8 **Drug Control Strategy;**

9 **“(B) review the annual National**
10 **Interdiction Command and Control**
11 **Plan, and provide advice to the Direc-**
12 **tor and the United States Interdiction**
13 **Coordinator concerning that plan;**
14 **and**

15 **“(C) provide such other advice to**
16 **the Director concerning drug inter-**
17 **diction strategy and policies as the**
18 **committee determines is appropriate.**

19 **“(2) MEMBERSHIP.—The membership of**
20 **the Interdiction Committee shall consist**
21 **of—**

22 **“(A) the Commissioner of the bu-**
23 **reau of Customs and Border Protec-**
24 **tion at the Department of Homeland**
25 **Security;**

1 **“(B) the Assistant Secretary of the**
2 **bureau of Immigration and Customs**
3 **Enforcement at the Department of**
4 **Homeland Security;**

5 **“(C) the Commandant of the**
6 **United States Coast Guard;**

7 **“(D) the Director of the Office of**
8 **Counternarcotics Enforcement at the**
9 **Department of Homeland Security;**

10 **“(E) the Administrator of the**
11 **Drug Enforcement Administration;**

12 **“(F) the Assistant Secretary of**
13 **State for International Narcotics and**
14 **Law Enforcement Affairs;**

15 **“(G) the Assistant Secretary of De-**
16 **fense for Special Operations and Low**
17 **Intensity Conflict;**

18 **“(H) the Deputy Director for Sup-**
19 **ply Reduction of the Office of Na-**
20 **tional Drug Control Policy, acting in**
21 **his role as the United States Interdic-**
22 **tion Coordinator;**

23 **“(I) the director of the Crime and**
24 **Narcotics Center of the Central Intel-**
25 **ligence Agency;**

1 **“(J) the Deputy Director for State**
2 **and Local Affairs of the Office of Na-**
3 **tional Drug Control Policy;**

4 **“(K) the Chief of the National**
5 **Guard Bureau’s Counterdrug Pro-**
6 **gram; and**

7 **“(L) such additional persons as**
8 **may be determined by the Director.**

9 **“(3) CHAIRMAN.—The Director shall**
10 **designate one of the members of the**
11 **Interdiction Committee to serve as chair-**
12 **man.**

13 **“(4) MEETINGS.—The members of the**
14 **Interdiction Committee shall meet, in**
15 **person and not through any delegate or**
16 **representative, at least once per calendar**
17 **year, prior to March 1. At the call of ei-**
18 **ther the Director or the current chair-**
19 **man, the Interdiction Committee may**
20 **hold additional meetings, which shall be**
21 **attended by the members either in per-**
22 **son, or through such delegates or rep-**
23 **resentatives as they may choose.**

24 **“(5) REPORT.—Not later than Sep-**
25 **tember 30 of each year, the chairman of**

1 the Interdiction Committee shall submit
2 a report to the Director and to the appro-
3 priate congressional committees describ-
4 ing the results of the meetings and any
5 significant findings of the Committee
6 during the previous 12 months. Any con-
7 tent of such a report that involves infor-
8 mation classified under criteria estab-
9 lished by an Executive order, or whose
10 public disclosure, as determined by the
11 Director, the chairman, or any member,
12 would be detrimental to the law enforce-
13 ment or national security activities of
14 any Federal, State, or local agency, shall
15 be presented to Congress separately from
16 the rest of the report.”.

17 **(b) CONFORMING AMENDMENT TO HOMELAND**
18 **SECURITY ACT OF 2002.—Section 878 of the**
19 **Homeland Security Act of 2002 (6 U.S.C. 458)**
20 **is amended—**

21 (1) in subsection (c), by striking “Ex-
22 cept as provided in subsection (d), the”
23 and inserting “The”; and

1 (2) by striking subsection (d) and re-
2 designating subsections (e), (f), and (g) as
3 subsections (d), (e), and (f), respectively.

4 SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

5 Section 714 (21 U.S.C. 1711) is amended—

6 (1) by striking “title,” and inserting
7 “title, except activities for which amounts
8 are otherwise specifically authorized by
9 this title,”; and

10 (2) by striking “1999 through 2003”
11 and inserting “2006 through 2010”.

12 SEC. 115. TECHNICAL AMENDMENTS AND REPEAL.

13 (a) AMENDMENT TO PUBLIC HEALTH SERVICE
14 ACT TO REPLACE OBSOLETE REFERENCES.—Sec-
15 tion 464P(c) of the Public Health Service Act
16 (42 U.S.C. 285o–4(c)) is amended—

17 (1) in paragraph (1), by striking
18 “under section 1002 of the Anti-Drug
19 Abuse Act of 1988 (21 U.S.C. 1501)” and
20 inserting “under section 703 of the Office
21 of National Drug Control Policy Reau-
22 thorization Act of 1998 (21 U.S.C. 1702)”;
23 and

24 (2) in paragraph (2), by striking
25 “under section 1005 of the Anti-Drug

1 **Abuse Act of 1988 (21 U.S.C. 1504)” and**
2 **inserting “under section 706 of the Office**
3 **of National Drug Control Policy Reau-**
4 **thorization Act of 1998 (21 U.S.C. 1705)”.**

5 **(b) REPEAL OF SPECIAL FORFEITURE FUND.—**
6 **Section 6073 of the Asset Forfeiture Amend-**
7 **ments Act of 1988 (21 U.S.C. 1509) is repealed.**

8 **SEC. 116. REQUIREMENT FOR DISCLOSURE OF FEDERAL**
9 **SPONSORSHIP OF ALL FEDERAL ADVER-**
10 **TISING OR OTHER COMMUNICATION MATE-**
11 **RIALS.**

12 **Section 712 is amended to read as follows:**

13 **“SEC. 712. REQUIREMENT FOR DISCLOSURE OF FEDERAL**
14 **SPONSORSHIP OF ALL FEDERAL ADVER-**
15 **TISING OR OTHER COMMUNICATION MATE-**
16 **RIALS.**

17 **“(a) REQUIREMENT.—Each advertisement**
18 **or other communication paid for by the Of-**
19 **fice, either directly or through a contract**
20 **awarded by the Office, shall include a promi-**
21 **nent notice informing the target audience**
22 **that the advertisement or other communica-**
23 **tion is paid for by the Office.**

1 **“(b) ADVERTISEMENT OR OTHER COMMUNICA-**
2 **TION.—In this section, the term ‘advertisement**
3 **or other communication’ includes—**

4 **“(1) an advertisement disseminated in**
5 **any form, including print or by any elec-**
6 **tronic means; and**

7 **“(2) a communication by an indi-**
8 **vidual in any form, including speech,**
9 **print, or by any electronic means.”.**

10 **SEC. 117. POLICY RELATING TO SYRINGE EXCHANGE PRO-**
11 **GRAMS.**

12 **Section 703(a) (21 U.S.C. 1702(a)) is**
13 **amended by adding at the end the following:**
14 **“When developing the national drug control**
15 **policy, any policy of the Director relating to**
16 **syringe exchange programs for intravenous**
17 **drug users shall be based on the best avail-**
18 **able medical and scientific evidence regard-**
19 **ing their effectiveness in promoting indi-**
20 **vidual health and preventing the spread of in-**
21 **fectious disease, and their impact on drug ad-**
22 **diction and use. In making any policy relating**
23 **to syringe exchange programs, the Director**
24 **shall consult with the National Institutes of**

1 Health and the National Academy of
2 Sciences.”.

3 **TITLE II—CLEAN SPORTS ACT**
4 **OF 2005**

5 ~~SEC. 201. ADDITION OF MINIMUM DRUG TESTING STAND-~~
6 ~~ARDS TO OFFICE OF NATIONAL DRUG CON-~~
7 ~~TROL POLICY ACT.~~

8 ~~(a) AMENDMENT.—The Office of National~~
9 ~~Drug Control Policy Reauthorization Act of~~
10 ~~1998 (Public Law 105–277; 21 U.S.C. 1701 et~~
11 ~~seq.) is amended—~~

12 ~~(1) by inserting before section 701 the~~
13 ~~following:~~

14 ~~“Subtitle A—Office of National~~
15 ~~Drug Control Policy”; and~~

16 ~~(2) by adding at the end the following~~
17 ~~new subtitle:~~

18 ~~“Subtitle B—Clean Sports Act of~~
19 ~~2005~~

20 ~~“SEC. 721. SHORT TITLE.~~

21 ~~“This subtitle may be cited as the ‘Clean~~
22 ~~Sports Act of 2005’.~~

23 ~~“SEC. 722. FINDINGS AND PURPOSE.~~

24 ~~“(a) FINDINGS.—Congress finds the fol-~~
25 ~~lowing:~~

1 **“(1) The use of anabolic steroids and**
2 **other performance-enhancing substances**
3 **by minors is a public health problem of**
4 **national significance.**

5 **“(2) Experts estimate that over**
6 **500,000 teenagers have used perform-**
7 **ance-enhancing substances, which med-**
8 **ical experts warn can cause a litany of**
9 **health problems for individuals who take**
10 **them, in particular children and teen-**
11 **agers.**

12 **“(3) The adverse health effects caused**
13 **by steroids and other performance-en-**
14 **hancing substances include stunted**
15 **growth, scarring aene, hair loss, dramatic**
16 **mood swings, hormonal and metabolic**
17 **imbalances, liver damage, a higher risk of**
18 **heart disease and stroke later in life, as**
19 **well as an increased propensity to dem-**
20 **onstrate aggressive behavior, commit sui-**
21 **cide, and commit crimes.**

22 **“(4) Professional athletes are role**
23 **models for young athletes and influence**
24 **the behavior of children and teenagers.**

1 **“(5) Congressional testimony by par-**
2 **ents of minors who used performance en-**
3 **hancing drugs, as well as medical and**
4 **health experts, indicates that the actual**
5 **or alleged use of performance-enhancing**
6 **substances by professional athletes re-**
7 **sults in the increased use of these sub-**
8 **stances by children and teenagers.**

9 **“(6) Surveys and studies suggest a**
10 **connection between the actual or alleged**
11 **use of performance-enhancing substances**
12 **by college and professional athletes and**
13 **the increased use of these substances by**
14 **children and teenagers.**

15 **“(7) The real or perceived tolerance of**
16 **the use of performance-enhancing sub-**
17 **stances by professional athletes has re-**
18 **sulted in both increased pressure on chil-**
19 **dren and teenagers to use performance-**
20 **enhancing drugs in order to advance**
21 **their athletic careers and to professional**
22 **sports loss of integrity.**

23 **“(8) The adoption by professional**
24 **sports leagues of strong policies to elimi-**
25 **nate the use of performance-enhancing**

1 **substances would result in the reduced**
2 **use of these substances by children and**
3 **teenagers.**

4 **“(9) Minimum drug testing standards**
5 **for professional sports established by**
6 **Federal law would ensure the adoption of**
7 **strong policies to eliminate the use of**
8 **performance-enhancing substances in**
9 **professional sports.**

10 **“(10) Minimum drug testing stand-**
11 **ards for professional sports established**
12 **by Federal law would help return integ-**
13 **riety to professional sports.**

14 **“(11) Congress has for several years**
15 **expressed a strong interest in the prob-**
16 **lem of the role of performance-enhancing**
17 **drugs in professional sports and other**
18 **levels of sports.**

19 **“(12) Congress has for several years**
20 **regulated the use of anabolic steroids**
21 **and other performance-enhancing sub-**
22 **stances.**

23 **“(13) Recent Federal laws regulating**
24 **the use of anabolic steroids and other**
25 **performance-enhancing substances were**

1 **enacted in large part to reduce the preva-**
2 **lence of these substances in sports.**

3 **“(14) Congress has for several years**
4 **regulated both professional and amateur**
5 **sports.**

6 **“(b) PURPOSE.—The purpose of this sub-**
7 **title is to protect the integrity of professional**
8 **sports and the health and safety of athletes**
9 **generally by establishing minimum standards**
10 **for the testing of steroids and other perform-**
11 **ance-enhancing substances by professional**
12 **sports leagues.**

13 **“SEC. 723. DEFINITIONS.**

14 **“In this subtitle:**

15 **“(1) ANTI-DOPING CODE.—The term**
16 **‘anti-doping code’ means the doping con-**
17 **trol standards established in the United**
18 **States Anti-Doping Agency Protocol for**
19 **Olympic Movement Testing (excluding**
20 **substances or methods prohibited in a**
21 **particular sport, as defined in such pro-**
22 **toeol).**

23 **“(2) COMMISSION.—The term ‘Commis-**
24 **sion’ means the Federal Trade Commis-**
25 **sion.**

1 **“(3) DIRECTOR.—**The term ‘Director’
2 **means the Director of the Office of Na-**
3 **tional Drug Control Policy.**

4 **“(4) MAJOR PROFESSIONAL LEAGUE.—**
5 **The term ‘major professional league’**
6 **means Major League Baseball, the Na-**
7 **tional Basketball Association, the Na-**
8 **tional Football League, and the National**
9 **Hockey League or any successor organi-**
10 **zation to those leagues.**

11 **“(5) OFF-SEASON.—**The term ‘off-sea-
12 **son’ means the period of time in each cal-**
13 **endar year outside of the season of play**
14 **for each major professional league.**

15 **“(6) PROFESSIONAL ATHLETE.—**The
16 **term ‘professional athlete’ means an indi-**
17 **vidual who competes in a major profes-**
18 **sional league.**

19 **“(7) PROFESSIONAL GAME.—**The term
20 **‘professional game’ means any game held**
21 **in the United States between any profes-**
22 **sional teams of a major professional**
23 **league.**

24 **“(8) PROHIBITED METHOD OR SUB-**
25 **STANCE.—**

1 “(A) **PROHIBITED METHOD.**—The
2 term ‘prohibited method’ means a
3 method listed and described in the
4 Anti-Doping Code.

5 “(B) **PROHIBITED SUBSTANCE.**—The
6 term ‘prohibited substance’ means a
7 substance listed and described in the
8 Anti-Doping Code.

9 “(C) **PERIOD OF PROHIBITION.**—A
10 substance prohibited in-competition
11 by the Anti-Doping Code shall be a
12 prohibited substance only during the
13 season of play. Only a substance or
14 method prohibited out-of-competition
15 by the Anti-Doping Code shall be a
16 prohibited substance or method dur-
17 ing the off-season.

18 “(9) **SEASON OF PLAY.**—

19 “(A) **IN GENERAL.**—The term ‘sea-
20 son of play’ for each major profes-
21 sional league means the period of
22 time in each calendar year beginning
23 with the date on which professional
24 athletes of that major professional
25 league are collectively obligated to

1 **report to their teams in preparation**
2 **for play and ending with the last**
3 **game of the major professional**
4 **league's regular season.**

5 **“(B) POST-SEASON.—The season of**
6 **play shall include post-season play**
7 **for an athlete who is a member of a**
8 **team that remains active in post-sea-**
9 **son play.**

10 **“SEC. 724. MINIMUM UNIFORM TESTING STANDARDS.**

11 **“(a) CONDUCT PROHIBITED.—It shall be un-**
12 **lawful for a major professional league to ar-**
13 **range, promote, organize, or produce a profes-**
14 **sional game without meeting the require-**
15 **ments in subsection (b).**

16 **“(b) MINIMUM TESTING REQUIREMENTS.—**
17 **Each major professional league shall imple-**
18 **ment policies and procedures for the testing**
19 **of the use of prohibited substances by profes-**
20 **sional athletes who compete in each respec-**
21 **tive major professional league which shall be**
22 **independently administered and shall be con-**
23 **sistent with and as stringent as the doping**
24 **control standard established by the United**

1 **States Anti-Doping Agency, and which shall,**
2 **at minimum, include the following:**

3 **~~“(1) TIMING AND FREQUENCY OF TEST-~~**
4 **~~ING.—~~**

5 **~~“(A) IN GENERAL.—Each profes-~~**
6 **~~sional athlete shall be tested a min-~~**
7 **~~imum of 5 times each calendar year~~**
8 **~~that such athlete is competing in~~**
9 **~~games organized by the major profes-~~**
10 **~~sional league.~~**

11 **~~“(B) TIMING.—Each athlete shall~~**
12 **~~be tested—~~**

13 **~~“(i) at least 3 times, each with~~**
14 **~~no advance notice, during each~~**
15 **~~season of play; and~~**

16 **~~“(ii) at least 2 times, each with~~**
17 **~~no advance notice, during the off-~~**
18 **~~season.~~**

19 **~~“(2) TEST DISTRIBUTION PLANNING.—~~**
20 **~~Each major professional league shall cer-~~**
21 **~~tify to the Director on or prior to Decem-~~**
22 **~~ber 31 of each year that it has consulted~~**
23 **~~with the United States Anti-Doping Agen-~~**
24 **~~cy in the development of its test distribu-~~**

1 **tion plan for both season of play and off-**
2 **season testing.**

3 **“(3) METHOD OF TESTING.—Each major**
4 **professional league shall certify to the Di-**
5 **rector on or prior to December 31 of each**
6 **year that it has consulted with the**
7 **United States Anti-Doping Agency in the**
8 **development of its drug testing protocols**
9 **for both season of play and off-season**
10 **testing.**

11 **“(4) APPLICABLE SUBSTANCES.—Each**
12 **professional athlete shall be tested for all**
13 **prohibited substances at the time of each**
14 **test. A major professional league may**
15 **make exceptions for any prohibited sub-**
16 **stances that have been properly pre-**
17 **scribed by a doctor of medicine licensed**
18 **in the United States for legitimate and**
19 **documented therapeutic purposes.**

20 **“(5) ANALYSIS OF SAMPLE.—Each sam-**
21 **ple provided shall be analyzed by a lab-**
22 **oratory approved by the United States**
23 **Anti-Doping Agency.**

24 **“(6) POSITIVE TESTS.—**

1 “(A) IN GENERAL.—A positive test
2 shall consist of the presence in the
3 sample of any prohibited substance
4 or its metabolites or markers, or evi-
5 dence of the use of a prohibited meth-
6 od, unless that substance was pre-
7 scribed to the athlete in accordance
8 with paragraph (4).

9 “(B) REFUSAL.—A refusal by a pro-
10 fessional athlete to submit to a test or
11 a failure of a professional athlete to
12 submit to a test without compelling
13 justification shall also be considered
14 a positive test.

15 “(7) PENALTIES.—

16 “(A) GENERAL RULE.—

17 “(i) FIRST VIOLATION.—Except
18 as provided in subparagraph (B),
19 a professional athlete who tests
20 positive shall be immediately sus-
21 pended for a minimum of 2 years
22 for a first violation. All suspen-
23 sions shall include a loss of pay
24 for the period of the suspension.

1 “(ii) **SECOND VIOLATION.**—A sec-
2 **ond violation shall result in a life-**
3 **time ban of the professional ath-**
4 **lete from all major professional**
5 **leagues.**

6 “(B) **EXCEPTIONS.**—

7 “(i) **KNOWLEDGE OF THE ATH-**
8 **LETE.**—A major professional
9 league may impose a lesser pen-
10 alty than provided in subpara-
11 graph (A) or no penalty if the pro-
12 fessional athlete establishes that
13 he did not know or suspect, and
14 could not reasonably have known
15 or suspected even with the exer-
16 cise of utmost caution, that he
17 had used the prohibited sub-
18 stance.

19 “(ii) **ASSISTANCE IN IDENTIFYING**
20 **VIOLATIONS.**—A major professional
21 league may impose a lesser pen-
22 alty than provided in subpara-
23 graph (A) if the professional ath-
24 lete provides substantial assist-
25 ance to the major professional

1 league in identifying violations of
2 the league's drug testing policy by
3 other professional athletes or as-
4 sistance in violations of the
5 league's drug testing policy by
6 any coach, trainer, manager,
7 agent, team staff, official, medical,
8 or other personnel working with
9 or treating professional athletes
10 participating in or preparing for
11 sports competition.

12 ~~“(8) ADJUDICATION.—~~

13 ~~“(A) CONSULTATION.—Each major~~
14 ~~professional league shall certify to~~
15 ~~the Director on or prior to December~~
16 ~~31 of each year that it has consulted~~
17 ~~with the United States Anti-Doping~~
18 ~~Agency in the development of its ad-~~
19 ~~judication process.~~

20 ~~“(B) DUE PROCESS.—If a profes-~~
21 ~~sional athlete tests positive, the pro-~~
22 ~~fessional athlete shall have the right~~
23 ~~to notice, a fair, timely, and expedited~~
24 ~~hearing, representation by counsel~~
25 ~~and appeal.~~

1 **“(C) SUSPENSION.—During the**
2 **pendency of any proceedings the pro-**
3 **fessional athlete shall be suspended**
4 **from participating in any profes-**
5 **sional game.**

6 **“(9) PUBLIC DISCLOSURE.—**

7 **“(A) TESTING.—A major profes-**
8 **sional league shall publicly disclose**
9 **the identity of any professional play-**
10 **er who has tested positive as well as**
11 **the prohibited substance or prohib-**
12 **ited method for which he tested posi-**
13 **tive not later than 30 days after re-**
14 **ceiving the test results.**

15 **“(B) PENALTY.—A major profes-**
16 **sional league shall publicly disclose**
17 **the name of any penalized athlete,**
18 **the penalty imposed, the substance**
19 **for which the player tested positive,**
20 **and the reason for the penalty not**
21 **later than 15 days after the final dis-**
22 **position of the player’s case.**

1 **“SEC. 725. PROMULGATION OF STANDARDS BY THE DIREC-**
2 **TOR OF THE OFFICE OF NATIONAL DRUG**
3 **CONTROL POLICY.**

4 **“(a) IN GENERAL.—The Director shall have**
5 **the authority to promulgate standards that**
6 **would modify the provisions of section 724 as**
7 **they apply to an individual major profes-**
8 **sional league for exceptional circumstances**
9 **or for other good cause.**

10 **“(b) EFFECTIVENESS MAINTAINED.—A modi-**
11 **fication under subsection (a) shall not—**

12 **“(1) reduce the effectiveness of the**
13 **standards in eliminating the use of**
14 **steroids or other performance-enhancing**
15 **substances in any major professional**
16 **league; or**

17 **“(2) diminish the leadership role of**
18 **the United States in eliminating the use**
19 **of steroids or other performance-enhanc-**
20 **ing substances in sports.**

21 **“(c) INCLUSION OF ADDITIONAL LEAGUES.—**
22 **The Director may include an additional pro-**
23 **fessional sporting league or the colleges and**
24 **athletes participating in Division I or Divi-**
25 **sion II of the NCAA as a major professional**
26 **league if the Director determines that such**

1 additions would prevent the use of perform-
2 ance-enhancing substances by high school,
3 college, or professional athletes.

4 “(d) **DELEGATION.**—The Director may dele-
5 gate the administration of this subtitle to any
6 other appropriate agency of the Federal Gov-
7 ernment.

8 “**SEC. 726. ENFORCEMENT BY THE FEDERAL TRADE COM-**
9 **MISSION.**

10 “(a) **UNFAIR OR DECEPTIVE ACTS OR PRAC-**
11 **TICES.**—A violation of section 724 shall be
12 treated as a violation of section 18 of the Fed-
13 eral Trade Commission Act (15 U.S.C. 57a) re-
14 garding unfair or deceptive acts or practices.

15 “(b) **POWERS OF COMMISSION.**—

16 “(1) **IN GENERAL.**—The Commission
17 shall issue and enforce the regulations
18 for the enforcement of section 724 in the
19 same manner, by the same means, and
20 with the same jurisdiction, powers, and
21 duties as though all applicable terms and
22 provisions of the Federal Trade Commis-
23 sion Act (15 U.S.C. 41 et seq.) were incor-
24 porated into and made a part of this sub-
25 title. Any person who violates such regu-

lations shall be subject to the penalties and entitled to the privileges and immunities provided in that Act.

“(2) ENHANCED PENALTY FOR VIOLATIONS.—Notwithstanding subsection (a) and the Federal Trade Commission Act, in the case of a person who violates section 724, the Commission may, in its discretion, seek a civil penalty for such violation in an amount, as determined by the Commission, of not more than \$1,000,000 for each violation of section 724.

“(3) GENERAL AUTHORITY.—Nothing in this subtitle shall be construed to limit the authority of the Commission under any other provision of law.

“SEC. 727. REPORTS TO CONGRESS.

“(a) FIRST LEAGUE REPORT.—

“(1) IN GENERAL.—Not later than 6 months after completion of a professional sports league’s first season of play after the effective date of this subtitle, each major professional league shall transmit to the Committee on Commerce, Science,

1 **and Transportation of the Senate and the**
2 **Committee on Energy and Commerce and**
3 **the Committee on Government Reform of**
4 **the House of Representatives, a report on**
5 **its testing policies and procedures.**

6 **“(2) CONTENTS.—The report required**
7 **by this subsection shall contain—**

8 **“(A) a comparison of the major**
9 **professional league’s testing policy**
10 **(including its adjudication proce-**
11 **dures) to that of the United States**
12 **Anti-Doping Agency, emphasizing the**
13 **differences between the policies and**
14 **the rationales for the differences; and**

15 **“(B) aggregate data on the num-**
16 **ber of professional players tested by**
17 **the major professional league and the**
18 **prohibited substances detected in**
19 **samples or prohibited methods, in-**
20 **cluding the number of tests con-**
21 **ducted during the season of play and**
22 **during the off-season.**

23 **“(b) BIENNIAL LEAGUE REPORTS.—Each**
24 **major professional league shall transmit to**
25 **the Committee on Commerce, Science, and**

1 **Transportation of the Senate and the Com-**
2 **mittee on Energy and Commerce and the**
3 **Committee on Government Reform of the**
4 **House of Representatives, on a biennial basis,**
5 **a report containing the data and analysis re-**
6 **quired in subsection (a) for each of the 2 prior**
7 **years.**

8 “(e) **ONDCP REPORT.**—Not later than 1
9 **year after the date of enactment of this sub-**
10 **title, and subsequently thereafter as deter-**
11 **mined appropriate by the Director, the Direc-**
12 **tor shall report to the Committee on Com-**
13 **merce, Science, and Transportation of the**
14 **Senate and the Committee on Energy and**
15 **Commerce and the Committee on Govern-**
16 **ment Reform of the House of Representatives,**
17 **recommendations for improving any Federal**
18 **law governing controlled substances as may**
19 **be necessary for reducing the use of steroids**
20 **and other performance-enhancing sub-**
21 **stances.**

22 **“SEC. 728. PROMULGATION OF STANDARDS BY UNITED**
23 **STATES BOXING COMMISSION.**

24 **“Upon the later of 12 months after enact-**
25 **ment of this subtitle or 12 months after the es-**

1 **tablishment of the United States Boxing Com-**
2 **mission pursuant to Federal law, that com-**
3 **mission shall, in consultation with the Asso-**
4 **ciation of Boxing Commissions and the United**
5 **States Anti-Doping Agency, promulgate uni-**
6 **form performance-enhancing substance test-**
7 **ing standards for professional boxing that are**
8 **consistent with section 724.**

9 **“SEC. 729. STUDY ON COLLEGE TESTING POLICIES AND**
10 **PROCEDURES.**

11 **“(a) STUDY.—The Government Account-**
12 **ability Office shall conduct a study on the use**
13 **of performance-enhancing substances by col-**
14 **lege athletes which shall examine the prohib-**
15 **ited substance policies and testing proce-**
16 **dures of intercollegiate athletic associations**
17 **and college and university athletic depart-**
18 **ments.**

19 **“(b) REPORT.—**

20 **“(1) SUBMISSION TO CONGRESS.—Not**
21 **later than 1 year after the date of enact-**
22 **ment of this subtitle, the Government Ac-**
23 **countability Office shall transmit a re-**
24 **port to the Committee on Commerce,**
25 **Science, and Transportation of the Sen-**

1 ate and the Committee on Energy and
 2 Commerce and the Committee on Govern-
 3 ment Reform of the House of Representa-
 4 tives.

5 “(2) CONTENTS.—The report required
 6 by this subsection shall—

7 “(A) assess the adequacy of the
 8 testing policies and procedures de-
 9 scribed in subsection (a) in detecting
 10 and preventing the use of perform-
 11 ance-enhancing substances; and

12 “(B) include recommendations to
 13 Congress regarding expanding the
 14 application of the regulations issued
 15 pursuant to this subtitle to such
 16 intercollegiate and interscholastic
 17 athletic associations.

18 “SEC. 730. COMMISSION ON HIGH SCHOOL AND COLLE-
 19 GIATE ATHLETICS.

20 “(a) COMMISSION.—The Director shall es-
 21 tablish a commission on high school and colle-
 22 giate athletics.

23 “(b) REPORT.—Not later than 1 year after
 24 the date of enactment of this subtitle, the
 25 commission shall report to Congress—

1 **“(1) findings on the use of steroids**
2 **and other performance-enhancing sub-**
3 **stances in high school and collegiate**
4 **sports; and**

5 **“(2) recommendations for reducing**
6 **their use.**

7 ~~“SEC. 731. SENSE OF CONGRESS.~~

8 **“It is the sense of Congress that—**

9 **“(1) professional sports leagues not**
10 **regulated by this subtitle should adhere**
11 **to the drug testing standards established**
12 **in this subtitle;**

13 **“(2) all professional sports should im-**
14 **plement policies and procedures for the**
15 **testing of the use of prohibited sub-**
16 **stances or the detection of prohibited**
17 **methods by professional athletes that en-**
18 **sure that American professional sports**
19 **leagues are world leaders in the effort to**
20 **keep steroids and other performance-en-**
21 **hancing drugs out of sports;**

22 **“(3) all professional sports should im-**
23 **plement policies and procedures that ad-**
24 **dress the development of designer**
25 **steroids and emerging methods for**

doping, including gene doping, that enhance sports performance, are potential or actual health risks, and are contrary to the spirit of the sport; and

“(4) each major professional league should produce and publicize public service announcements regarding the health and safety consequences of steroids and other similar performance-enhancing substances on children and teenagers.

“SEC. 732. EFFECTIVE DATE.

“This subtitle shall take effect 1 year after the date of enactment of this subtitle.”.

(b) CONFORMING AMENDMENTS.—The Office of National Drug Control Policy Reauthorization Act of 1998 (Public Law 105–277; 21 U.S.C. 1701 et seq.) is further amended by striking “title” each place it appears and inserting “subtitle”—

(1) in section 701;

(2) in section 702;

(3) in section 703(b)(2);

(4) in section 704(d)(1); and

(5) in the first and second sentences of section 705(a)(2)(A).

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Of-*
 3 *fice of National Drug Control Policy Reauthorization Act*
 4 *of 2005”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 6 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Amendment of Office of National Drug Control Policy Reauthorization Act of 1998.

Sec. 3. Repeal of termination provision.

Sec. 4. Amendments to definitions.

Sec. 5. Amendments relating to establishment of Office of National Drug Control Policy and designation of officers.

Sec. 6. Amendments relating to appointment and duties of Director and Deputy Director.

Sec. 7. Amendments relating to coordination with other agencies.

Sec. 8. Development, submission, implementation, and assessment of National Drug Control Strategy.

Sec. 9. High Intensity Drug Trafficking Areas Program.

Sec. 10. Funding for certain High Intensity Drug Trafficking Areas.

Sec. 11. Amendments relating to Counter-Drug Technology Assessment Center.

Sec. 12. National youth antidrug media campaign.

Sec. 13. Drug interdiction.

Sec. 14. Awards for demonstration programs by local partnerships to shut down illicit drug market hot-spots by deterring drug dealers or altering the dynamic of drug sales.

Sec. 15. Awards for demonstration programs by local partnerships to coerce abstinence in chronic hard-drug users under community supervision through the use of drug testing and sanctions.

Sec. 16. Authorization of appropriations.

Sec. 17. Technical amendments and repeal.

Sec. 18. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communication materials.

Sec. 19. Policy relating to syringe exchange programs.

7 **SEC. 2. AMENDMENT OF OFFICE OF NATIONAL DRUG CON-**
 8 **TROL POLICY REAUTHORIZATION ACT OF**
 9 **1998.**

10 *Except as otherwise expressly provided, whenever in*
 11 *this Act an amendment or repeal is expressed in terms of*
 12 *an amendment to, or repeal of, a section or other provision,*

1 *the reference shall be considered to be made to a section or*
 2 *other provision of the Office of National Drug Control Pol-*
 3 *icy Reauthorization Act of 1998 (Public Law 105–277; 21*
 4 *U.S.C. 1701 et seq.).*

5 **SEC. 3. REPEAL OF TERMINATION PROVISION.**

6 *Section 715 (21 U.S.C. 1712) is repealed, and the law*
 7 *shall read as if such section was never in effect.*

8 **SEC. 4. AMENDMENTS TO DEFINITIONS.**

9 *(a) AMENDMENTS TO DEFINITIONS.—Section 702 (21*
 10 *U.S.C. 1701) is amended—*

11 *(1) in paragraph (1)—*

12 *(A) by striking “and” at the end of sub-*
 13 *paragraph (F);*

14 *(B) by striking the period at the end of sub-*
 15 *paragraph (G) and inserting “, including the*
 16 *testing of employees;”; and*

17 *(C) by adding at the end the following:*

18 *“(H) interventions for drug abuse and de-*
 19 *pendence; and*

20 *“(I) international drug control coordination*
 21 *and cooperation with respect to activities de-*
 22 *scribed in this paragraph.”;*

23 *(2) in paragraph (6), by adding before the pe-*
 24 *riod at the end: “, including any activities involving*

1 *supply reduction, demand reduction, or State and*
2 *local affairs”;*

3 *(3) in paragraph (7)—*

4 *(A) by striking “Agency” and inserting*
5 *“agency”;*

6 *(B) by striking “National Foreign Intel-*
7 *ligence Program,” and inserting “National Intel-*
8 *ligence Program,”; and*

9 *(C) by inserting a comma before “or Tac-*
10 *tical”;*

11 *(4) in paragraph (9), by striking “implicates”*
12 *and inserting “indicates”;*

13 *(5) in paragraph (10)—*

14 *(A) by adding “National Drug Control Pro-*
15 *gram agencies and” after “among” in subpara-*
16 *graph (B);*

17 *(B) by striking “and” at the end of sub-*
18 *paragraph (B);*

19 *(C) by striking the period at the end of sub-*
20 *paragraph (C) and inserting a semicolon; and*

21 *(D) by adding at the end the following:*

22 *“(D) domestic drug law enforcement, in-*
23 *cluding domestic drug interdiction and law en-*
24 *forcement directed at drug users; and*

1 “(E) coordination and enhancement of Fed-
2 eral, State, and local law enforcement initiatives
3 to gather, analyze, and disseminate information
4 and intelligence relating to drug control among
5 domestic law enforcement agencies.”;

6 (6) in paragraph (11)—

7 (A) by inserting before the semicolon in sub-
8 paragraph (A) the following: “, including—

9 “(i) law enforcement outside the
10 United States; and

11 “(ii) source country programs, includ-
12 ing economic development programs pri-
13 marily intended to reduce the production or
14 trafficking of illicit drugs”;

15 (B) by striking subparagraph (B) and in-
16 serting the following:

17 “(B) facilitating and enhancing the sharing
18 of foreign and domestic information and law en-
19 forcement intelligence relating to drug produc-
20 tion and trafficking among National Drug Con-
21 trol Program agencies, and between those agen-
22 cies and foreign law enforcement agencies; and”;

23 (C) by striking “; and” at the end of sub-
24 paragraph (C) and inserting a period; and

25 (D) by striking subparagraph (D); and

1 (7) *by adding at the end the following:*

2 “(12) *APPROPRIATE CONGRESSIONAL COMMIT-*
3 *TEES.—Except where otherwise provided, the term*
4 *‘appropriate congressional committees’ means the*
5 *Committee on the Judiciary, the Committee on Ap-*
6 *propriations, and the Caucus on International Nar-*
7 *cotics Control of the Senate and the Committee on*
8 *Government Reform, the Committee on the Judiciary,*
9 *and the Committee on Appropriations of the House of*
10 *Representatives.*

11 “(13) *LAW ENFORCEMENT.—The term ‘law en-*
12 *forcement’ or ‘drug law enforcement’ means all efforts*
13 *by a Federal, State, or local government agency to en-*
14 *force the drug laws of the United States or any State,*
15 *including investigation, arrest, prosecution, and in-*
16 *carceration or other punishments or penalties.”.*

17 (b) *CONFORMING AMENDMENTS.—Section 703(b)(3)*
18 *(21 U.S.C. 1702(b)(3)) is amended—*

19 (1) *in subparagraph (A), by striking “(G)” and*
20 *inserting “(I)”;* and

21 (2) *in subparagraph (C)—*

22 (A) *by striking “through (C)” and inserting*
23 *“through (E)”;*

24 (B) *by striking “and subparagraph (D) of*
25 *section 702(11)”;* and

1 (C) by adding before the period at the end
 2 the following: “, and sections 707 and 708 of this
 3 Act”.

4 **SEC. 5. AMENDMENTS RELATING TO ESTABLISHMENT OF**
 5 **OFFICE OF NATIONAL DRUG CONTROL POL-**
 6 **ICY AND DESIGNATION OF OFFICERS.**

7 (a) *RESPONSIBILITIES.*—Paragraph (4) of section
 8 703(a) (21 U.S.C. 1702(a)) is amended to read as follows:

9 “(4) evaluate the effectiveness of the national
 10 drug control policy and the National Drug Control
 11 Program agencies’ programs, by developing and ap-
 12 plying specific goals and performance measure-
 13 ments.”.

14 (b) *RANK OF DIRECTOR.*—Section 703(b) (21 U.S.C.
 15 1702(b)) is amended in paragraph (1) by adding before the
 16 period the following: “, who shall hold the same rank and
 17 status as the head of an executive department listed in sec-
 18 tion 101 of title 5, United States Code”.

19 (c) *DEPUTY DIRECTORS.*—Section 703(b) (21 U.S.C.
 20 1702(b)) is amended in paragraph (3)—

21 (1) by striking “Office—” and inserting “Office
 22 the following additional Deputy Directors—”; and

23 (2) in subparagraph (B), by striking “who shall”
 24 and inserting the following: “who shall have substan-
 25 tial experience and expertise in drug interdiction op-

1 *erations and other supply reduction activities, and*
 2 *who shall serve as the United States Interdiction Co-*
 3 *ordinator and”.*

4 **SEC. 6. AMENDMENTS RELATING TO APPOINTMENT AND**
 5 **DUTIES OF DIRECTOR AND DEPUTY DIREC-**
 6 **TOR.**

7 (a) *DESIGNATION OF OTHER OFFICERS.*—Section
 8 704(a)(3) (21 U.S.C. 1703(a)(3)) is amended—

9 (1) *by striking “permanent employee” and in-*
 10 *serting “officer or employee”; and*

11 (2) *by striking “serve as the Director” and in-*
 12 *serting “serve as the acting Director”.*

13 (b) *RESPONSIBILITIES OF DIRECTOR.*—Section 704(b)
 14 (21 U.S.C. 1703(b)) is amended—

15 (1) *in paragraph (4), by striking “Federal de-*
 16 *partments and agencies engaged in drug enforce-*
 17 *ment,” and inserting “National Drug Control Pro-*
 18 *gram agencies,”;*

19 (2) *in paragraph (7), by inserting after “Presi-*
 20 *dent” the following: “and the appropriate congres-*
 21 *sional committees”;*

22 (3) *in paragraph (13), by striking “(beginning*
 23 *in 1999)”;*

24 (4) *in paragraph (14)—*

1 (A) by striking “Appropriations” and all
2 that follows through “Senate” and inserting “ap-
3 propriate congressional committees”; and

4 (B) by striking “and” after the semicolon at
5 the end;

6 (5) in paragraph (15), by striking subparagraph
7 (C) and inserting the following:

8 “(C) supporting the substance abuse infor-
9 mation clearinghouse administered by the Ad-
10 ministrators of the Substance Abuse and Mental
11 Health Services Administration and established
12 in section 501(d)(16) of the Public Health Serv-
13 ice Act by—

14 “(i) encouraging all National Drug
15 Control Program agencies to provide all ap-
16 propriate and relevant information; and

17 “(ii) supporting the dissemination of
18 information to all interested entities;”;

19 (6) by inserting at the end the following:

20 “(16) shall coordinate with the private sector to
21 promote private research and development of medica-
22 tions to treat addiction;

23 “(17) shall seek the support and commitment of
24 State and local officials in the formulation and im-
25 plementation of the National Drug Control Strategy;

1 “(18) shall monitor and evaluate the allocation
 2 of resources among Federal law enforcement agencies
 3 in response to significant local and regional drug
 4 trafficking and production threats;

5 “(19) shall submit an annual report to Congress
 6 detailing how the Office of National Drug Control
 7 Policy has consulted with and assisted State and local
 8 governments with respect to the formulation and im-
 9 plementation of the National Drug Control Strategy
 10 and other relevant issues; and

11 “(20) shall, within one year after the date of the
 12 enactment of the Office of National Drug Control Pol-
 13 icy Reauthorization Act of 2005, report to Congress
 14 on the impact of each Federal drug reduction strategy
 15 upon the availability, addiction rate, use rate, and
 16 other harms of illegal drugs.”.

17 (c) SUBMISSION OF DRUG CONTROL BUDGET RE-
 18 QUESTS.—Section 704(c)(1) is amended by adding at the
 19 end the following:

20 “(C) CONTENT OF DRUG CONTROL BUDGET
 21 REQUESTS.—A drug control budget request sub-
 22 mitted by a department, agency, or program
 23 under this paragraph shall include all requests
 24 for funds for any drug control activity under-
 25 taken by that department, agency, or program,

1 *including demand reduction, supply reduction,*
 2 *and State and local affairs, including any drug*
 3 *law enforcement activities. If an activity has*
 4 *both drug control and nondrug control purposes*
 5 *or applications, the department, agency, or pro-*
 6 *gram shall estimate by a documented calculation*
 7 *the total funds requested for that activity that*
 8 *would be used for drug control, and shall set*
 9 *forth in its request the basis and method for*
 10 *making the estimate.”.*

11 *(d) NATIONAL DRUG CONTROL BUDGET PROPOSAL.—*
 12 *Section 704(c)(2) is amended in subparagraph (A) by in-*
 13 *serting before the semicolon: “and to inform Congress and*
 14 *the public about the total amount proposed to be spent on*
 15 *all supply reduction, demand reduction, State and local af-*
 16 *fairs, including any drug law enforcement, and other drug*
 17 *control activities by the Federal Government, which shall*
 18 *conform to the content requirements set forth in subpara-*
 19 *graph (C) of paragraph (1) of this subsection”.*

20 *(e) REVIEW AND CERTIFICATION OF NATIONAL DRUG*
 21 *CONTROL PROGRAM BUDGET.—Section 704(c)(3) (21*
 22 *U.S.C. 1703(c)(3)) is amended—*

23 *(1) by redesignating subparagraphs (C) and (D)*
 24 *as subparagraphs (D) and (E), respectively;*

1 (2) *by inserting after subparagraph (B) the fol-*
2 *lowing new subparagraph:*

3 “(C) *SPECIFIC REQUESTS.—The Director*
4 *shall not confirm the adequacy of any budget re-*
5 *quest that—*

6 “(i) *requests funding for Federal law*
7 *enforcement activities that do not ade-*
8 *quately compensate for transfers of drug en-*
9 *forcement resources and personnel to law*
10 *enforcement and investigation activities not*
11 *related to drug enforcement as determined*
12 *by the Director;*

13 “(ii) *requests funding for law enforce-*
14 *ment activities on the borders of the United*
15 *States that do not adequately direct re-*
16 *sources to drug interdiction and enforce-*
17 *ment as determined by the Director;*

18 “(iii) *requests funding for drug treat-*
19 *ment activities that do not provide adequate*
20 *result and accountability measures as deter-*
21 *mined by the Director;*

22 “(iv) *requests funding for any activi-*
23 *ties of the Safe and Drug Free Schools Pro-*
24 *gram that do not include a clear antidrug*

1 *message or purpose intended to reduce drug*
2 *use;*

3 “(v) requests funding to enforce section
4 484(r)(1) of the Higher Education Act of
5 1965 (20 U.S.C. 1091(r)(1)) with respect to
6 convictions for drug-related offenses not oc-
7 curring during a period of enrollment for
8 which the student was receiving any Fed-
9 eral grant, loan, or work assistance;

10 “(vi) requests funding for drug treat-
11 ment activities that do not adequately sup-
12 port and enhance Federal drug treatment
13 programs and capacity, as determined by
14 the Director;

15 “(vii) requests funding for fiscal year
16 2007 for activities of the Department of
17 Education, unless it is accompanied by a
18 report setting forth a plan for providing ex-
19 pedited consideration of student loan appli-
20 cations for all individuals who submitted
21 an application for any Federal grant, loan,
22 or work assistance that was rejected or de-
23 nied pursuant to 484(r)(1) of the Higher
24 Education Act of 1965 (20 U.S.C.
25 1091(r)(1)) by reason of a conviction for a

1 *drug-related offense not occurring during a*
 2 *period of enrollment for which the indi-*
 3 *vidual was receiving any Federal grant,*
 4 *loan, or work assistance; and*

5 “(viii) requests funding for the oper-

6 *ations and management of the Department*
 7 *of Homeland Security that does not include*
 8 *a specific request for funds for the Office of*
 9 *Counternarcotics Enforcement to carry out*
 10 *its responsibilities under section 878 of the*
 11 *Homeland Security Act of 2002 (6 U.S.C.*
 12 *458).”;*

13 (3) in subparagraph (D)(iii), as so redesignated,
 14 by inserting “and the appropriate congressional com-
 15 mittees” after “House of Representatives”; and

16 (4) in subparagraph (E)(ii)(II)(bb), as so redesi-
 17 gnated, by inserting “and the appropriate congres-
 18 sional committees” after “House of Representatives”.

19 (f) *REPROGRAMMING AND TRANSFER REQUESTS.*—
 20 Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amended
 21 by striking “\$5,000,000” and inserting “\$1,000,000”.

22 (g) *POWERS OF DIRECTOR.*—Section 704(d) (21
 23 U.S.C. 1703(d)) is amended—

1 (1) in paragraph (8)(D), by striking “have been
2 authorized by Congress;” and inserting “authorized
3 by law;”;

4 (2) in paragraph (9)—

5 (A) by inserting “notwithstanding any
6 other provision of law,” after “(9)”; and

7 (B) by striking “Strategy; and” and insert-
8 ing “Strategy and notify the appropriate con-
9 gressional committees of any fund control notice
10 issued;”;

11 (3) in paragraph (10), by striking “(22 U.S.C.
12 2291j).” and inserting “(22 U.S.C. 2291j) and section
13 706 of the Foreign Relations Authorization Act, Fis-
14 cal Year 2003 (22 U.S.C. 2291j–1); and”; and

15 (4) by adding at the end the following new para-
16 graph:

17 “(11) not later than August 1 of each year, sub-
18 mit to the President a report, and transmit copies of
19 the report to the Secretary of State and the appro-
20 priate congressional committees, that—

21 “(A) provides the Director’s assessment of
22 which countries are major drug transit countries
23 or major illicit drug producing countries as de-
24 fined in section 481(e) of the Foreign Assistance
25 Act of 1961 (22 U.S.C. 2291(e));

1 “(B) provides the Director’s assessment of
2 whether each country identified under subpara-
3 graph (A) has cooperated fully with the United
4 States or has taken adequate steps on its own to
5 achieve full compliance with the goals and objec-
6 tives established by the United Nations Conven-
7 tion Against Illicit Traffic in Narcotic Drugs
8 and Psychotropic Substances and otherwise has
9 assisted in reducing the supply of illicit drugs to
10 the United States; and

11 “(C) provides the Director’s assessment of
12 whether application of procedures set forth in
13 section 490 of the Foreign Assistance Act of 1961
14 (22 U.S.C. 2291j), as provided in section 706 of
15 the Foreign Relations Authorization Act, Fiscal
16 Year 2003 (22 U.S.C. 2291j–1), is warranted
17 with respect to countries the Director assesses
18 have not cooperated fully.”.

19 (g) *FUND CONTROL NOTICES*.—Section 704(f) (21
20 U.S.C. 1703(f)) is amended by adding at the end the fol-
21 lowing:

22 “(4) *CONGRESSIONAL NOTICE*.—A copy of each
23 fund control notice shall be transmitted to the appro-
24 priate congressional committees.

1 “(5) *RESTRICTIONS.*—*The Director shall not*
 2 *issue a fund control notice to direct that all or part*
 3 *of an amount appropriated to the National Drug*
 4 *Control Program agency account be obligated, modi-*
 5 *fied, or altered in any manner contrary, in whole or*
 6 *in part, to a specific appropriation or statute.”.*

7 (h) *TECHNICAL AMENDMENTS.*—*Section 704 (21*
 8 *U.S.C. 1703) is amended—*

9 (1) *in subsection (g)—*

10 (A) *by striking “National Foreign Intel-*
 11 *ligence Program” and inserting “National Intel-*
 12 *ligence Program”; and*

13 (B) *by inserting a comma before “and Tac-*
 14 *tical”; and*

15 (2) *in subsection (h), by striking “Director of*
 16 *Central Intelligence” and inserting “Director of Na-*
 17 *tional Intelligence or the Director of the Central Intel-*
 18 *ligence Agency”.*

19 (i) *REQUIREMENT FOR SOUTH AMERICAN HEROIN*
 20 *STRATEGY.—*

21 (1) *IN GENERAL.*—*Not later than 90 days after*
 22 *the date of the enactment of this Act, the Director of*
 23 *National Drug Control Policy shall submit to the*
 24 *Congress a comprehensive strategy that addresses the*
 25 *increased threat from South American heroin, and in*

1 *particular Colombian heroin and the emerging threat*
2 *from opium poppy grown in Peru and often intended*
3 *for transit to Columbia for processing into heroin.*

4 (2) *CONTENTS.—The strategy shall include—*

5 (A) *opium eradication efforts to eliminate*
6 *the problem at the source to prevent heroin from*
7 *entering the stream of commerce;*

8 (B) *interdiction and precursor chemical*
9 *controls;*

10 (C) *demand reduction and treatment;*

11 (D) *alternative development programs, in-*
12 *cluding direct assistance to regional governments*
13 *to demobilize and provide alternative livelihoods*
14 *to former members of insurgent or other groups*
15 *engaged in heroin, coca, or other illicit drug pro-*
16 *duction or trafficking;*

17 (E) *efforts to inform and involve local citi-*
18 *zens in the programs described in subparagraphs*
19 *(A) through (D), such as through leaflets adver-*
20 *tising rewards for information;*

21 (F) *provisions that ensure the maintenance*
22 *at current levels of efforts to eradicate coca in*
23 *Colombia; and*

24 (G) *assessment of the specific level of fund-*
25 *ing and resources necessary to simultaneously*

1 *address the threat from South American heroin*
2 *and the threat from Colombian and Peruvian*
3 *coca.*

4 (3) *TREATMENT OF CLASSIFIED OR LAW EN-*
5 *FORCEMENT SENSITIVE INFORMATION.—Any content*
6 *of the strategy that involves information classified*
7 *under criteria established by an Executive order, or*
8 *whose public disclosure, as determined by the Director*
9 *or the head of any relevant Federal agency, would be*
10 *detrimental to the law enforcement or national secu-*
11 *rity activities of any Federal, foreign, or inter-*
12 *national agency, shall be presented to Congress sepa-*
13 *rately from the rest of the strategy.*

14 (j) *REQUIREMENT FOR AFGHAN HEROIN STRATEGY.—*

15 (1) *IN GENERAL.—Not later than 90 days after*
16 *the date of the enactment of this Act, the Director of*
17 *the Office of National Drug Control Policy shall sub-*
18 *mit to the Congress a comprehensive strategy that ad-*
19 *dresses the increased threat from Afghan heroin.*

20 (2) *CONTENTS.—The strategy shall include—*

21 (A) *opium crop eradication efforts to elimi-*
22 *nate the problem at the source to prevent heroin*
23 *from entering the stream of commerce;*

1 (B) destruction or other direct elimination
2 of stockpiles of heroin and raw opium, and her-
3 oin production and storage facilities;

4 (C) interdiction and precursor chemical
5 controls;

6 (D) demand reduction and treatment;

7 (E) alternative development programs;

8 (F) measures to improve cooperation and
9 coordination between Federal Government agen-
10 cies, and between such agencies, agencies of for-
11 eign governments, and international organiza-
12 tions with responsibility for the prevention of
13 heroin production in, or trafficking out of, Af-
14 ghanistan; and

15 (G) an assessment of the specific level of
16 funding and resources necessary significantly to
17 reduce the production and trafficking of heroin.

18 (3) *TREATMENT OF CLASSIFIED OR LAW EN-*
19 *FORCEMENT SENSITIVE INFORMATION.*—Any content
20 of the strategy that involves information classified
21 under criteria established by an Executive order, or
22 whose public disclosure, as determined by the Director
23 or the head of any relevant Federal agency, would be
24 detrimental to the law enforcement or national secu-
25 rity activities of any Federal, foreign, or inter-

1 *national agency, shall be presented to Congress sepa-*
2 *rately from the rest of the strategy.*

3 *(k) REQUIREMENT FOR GENERAL COUNTERDRUG IN-*
4 *TELLIGENCE PLAN.—*

5 *(1) IN GENERAL.—Not later than 120 days after*
6 *the date of enactment of this Act, and not later than*
7 *every two years thereafter, the Director of the Office*
8 *of National Drug Control Policy, with the concur-*
9 *rence of the Director of National Intelligence, shall*
10 *submit to the appropriate congressional committees, a*
11 *general counterdrug intelligence plan to improve co-*
12 *ordination, and eliminate unnecessary duplication,*
13 *among the counterdrug intelligence centers and infor-*
14 *mation sharing systems, and counterdrug activities of*
15 *the Federal Government, including the centers, sys-*
16 *tems, and activities of the following departments and*
17 *agencies:*

18 *(A) The Department of Defense, including*
19 *the Defense Intelligence Agency, and the joint*
20 *interagency task forces.*

21 *(B) The Department of the Treasury, in-*
22 *cluding the Financial Crimes Enforcement Net-*
23 *work (FinCEN).*

24 *(C) The Central Intelligence Agency.*

25 *(D) The National Security Agency.*

1 (E) *The Department of Homeland Security,*
2 *including the United States Coast Guard, the bu-*
3 *reau of Customs and Border Protection, and the*
4 *bureau of Immigration and Customs Enforce-*
5 *ment.*

6 (F) *The Department of Justice, including*
7 *the National Drug Intelligence Center (NDIC);*
8 *the Drug Enforcement Administration, including*
9 *the El Paso Intelligence Center (EPIC); the Fed-*
10 *eral Bureau of Investigation; the Organized*
11 *Crime Drug Enforcement Task Force; and the*
12 *Regional Information Sharing System.*

13 (G) *The Office of National Drug Control*
14 *Policy, including the High Intensity Drug Traf-*
15 *ficking Areas Program.*

16 (H) *The Counterdrug Intelligence Executive*
17 *Secretariat.*

18 (2) *PURPOSE.—The purpose of the plan under*
19 *paragraph (1) is to maximize the effectiveness of the*
20 *centers and activities referred to in that paragraph in*
21 *achieving the objectives of the National Drug Control*
22 *Strategy promulgated under 21 U.S.C. 1705. In order*
23 *to maximize such effectiveness, the plan shall—*

24 (A) *articulate clear and specific mission*
25 *statements (including purpose and scope of ac-*

1 *tivity) for each counterdrug intelligence center,*
2 *system, and activity, including the manner in*
3 *which responsibility for counterdrug intelligence*
4 *activities will be allocated among the*
5 *counterdrug intelligence centers and systems;*

6 *(B) specify each government agency (wheth-*
7 *er Federal, State, or local) that participates in*
8 *each such center, system, and activity, including*
9 *a description of the extent and nature of that*
10 *participation;*

11 *(C) specify the relationship between such*
12 *centers, systems, and activities;*

13 *(D) specify the means by which proper over-*
14 *sight of such centers, systems, and activities will*
15 *be assured;*

16 *(E) specify the means by which counterdrug*
17 *intelligence and information will be forwarded*
18 *effectively to all levels of officials responsible for*
19 *United States counterdrug policy; and*

20 *(F) specify mechanisms to ensure that State*
21 *and local law enforcement agencies are apprised*
22 *of counterdrug intelligence and information ac-*
23 *quired by Federal law enforcement agencies in a*
24 *manner which—*

1 (i) facilitates effective counterdrug ac-
2 tivities by State and local law enforcement
3 agencies; and

4 (ii) provides such State and local law
5 enforcement agencies with the information
6 relating to the safety of officials involved in
7 their counterdrug activities.

8 (3) DEFINITIONS.—As used in this subsection—

9 (A) the term “center” refers to any center,
10 office, task force, or other coordinating organiza-
11 tion engaged in counterdrug intelligence or infor-
12 mation analyzing or sharing activities;

13 (B) the term “system” refers to any comput-
14 erized database or other electronic system used
15 for counterdrug intelligence or information ana-
16 lyzing or sharing activities; and

17 (C) the term “appropriate congressional
18 committees” means the following:

19 (i) The Committee on Appropriations,
20 the Committee on Foreign Relations, the
21 Committee on the Judiciary, the Committee
22 on Homeland Security and Governmental
23 Affairs, the Caucus on International Nar-
24 cotics Control, and the Select Committee on
25 Intelligence of the Senate.

1 (ii) *The Committee on Appropriations,*
2 *the Committee on International Relations,*
3 *the Committee on the Judiciary, the Com-*
4 *mittee on Government Reform, the Com-*
5 *mittee on Homeland Security, and the Per-*
6 *manent Select Committee on Intelligence of*
7 *the House of Representatives.*

8 (4) *LIMITATION.—The general counterdrug intel-*
9 *ligence plan shall not—*

10 (A) *change existing agency authorities or*
11 *the laws governing interagency relationships, but*
12 *may include recommendations about changes to*
13 *such authorities or laws; or*

14 (B) *include any information about specific*
15 *methods of obtaining, or sources of, intelligence*
16 *or information, or any information about spe-*
17 *cific individuals, cases, investigations, or oper-*
18 *ations.*

19 (5) *CLASSIFIED OR LAW ENFORCEMENT SEN-*
20 *SITIVE INFORMATION.—Any content of the general*
21 *counterdrug intelligence plan that involves informa-*
22 *tion classified under criteria established by an Execu-*
23 *tive order, or whose public disclosure, as determined*
24 *by the Director of the Office of National Drug Control*
25 *Policy, the Director of National Intelligence, or the*

1 *head of any Federal Government agency whose activi-*
 2 *ties are described in the plan, would be detrimental*
 3 *to the law enforcement or national security activities*
 4 *of any Federal, State, or local agency, shall be pre-*
 5 *sented to Congress separately from the rest of the re-*
 6 *port.*

7 *(l) REQUIREMENT FOR SOUTHWEST BORDER COUN-*
 8 *TERNARCOTICS STRATEGY.—*

9 *(1) IN GENERAL.—Not later than 120 days after*
 10 *the date of enactment of this Act, and every two years*
 11 *thereafter, the Director of National Drug Control Pol-*
 12 *icy shall submit to the Congress a Southwest Border*
 13 *Counternarcotics Strategy.*

14 *(2) PURPOSES.—The Southwest Border Counter-*
 15 *narcotics Strategy shall—*

16 *(A) set forth the Government’s strategy for*
 17 *preventing the illegal trafficking of drugs across*
 18 *the international border between the United*
 19 *States and Mexico, including through ports of*
 20 *entry and between ports of entry on that border;*

21 *(B) state the specific roles and responsibil-*
 22 *ities of the relevant National Drug Control Pro-*
 23 *gram agencies (as defined in section 702 of the*
 24 *Office of National Drug Control Policy Reau-*

1 *thorization Act of 1998 (21 U.S.C. 1701)) for*
2 *implementing that strategy; and*

3 *(C) identify the specific resources required*
4 *to enable the relevant National Drug Control*
5 *Program agencies to implement that strategy.*

6 *(3) CONSULTATION WITH OTHER AGENCIES.—*
7 *The Director shall issue the Southwest Border Coun-*
8 *ternarcotics Strategy in consultation with the heads*
9 *of the relevant National Drug Control Program agen-*
10 *cies.*

11 *(4) LIMITATION.—The Southwest Border Coun-*
12 *ternarcotics Strategy shall not change existing agency*
13 *authorities or the laws governing interagency rela-*
14 *tionships, but may include recommendations about*
15 *changes to such authorities or laws.*

16 *(5) REPORT TO CONGRESS.—The Director shall*
17 *provide a copy of the Southwest Border Counter-*
18 *narcotics Strategy to the appropriate congressional*
19 *committees (as defined in section 702 of the Office of*
20 *National Drug Control Policy Reauthorization Act of*
21 *1998 (21 U.S.C. 1701)), and to the Committee on*
22 *Armed Services and the Committee on Homeland Se-*
23 *curity of the House of Representatives, and the Com-*
24 *mittee on Homeland Security and Governmental Af-*

1 *fairs and the Committee on Armed Services of the*
2 *Senate.*

3 (6) *TREATMENT OF CLASSIFIED OR LAW EN-*
4 *FORCEMENT SENSITIVE INFORMATION.—Any content*
5 *of the Southwest Border Counternarcotics Strategy*
6 *that involves information classified under criteria es-*
7 *tablished by an Executive order, or whose public dis-*
8 *closure, as determined by the Director or the head of*
9 *any relevant National Drug Control Program agency,*
10 *would be detrimental to the law enforcement or na-*
11 *tional security activities of any Federal, State, or*
12 *local agency, shall be presented to Congress separately*
13 *from the rest of the strategy.*

14 (m) *REQUIREMENT FOR SCIENTIFIC STUDY OF*
15 *MYCOHERBICIDE IN ILLICIT DRUG CROP ERADICATION.—*
16 *Not later than 90 days after the date of enactment of this*
17 *Act, the Director of the Office of National Drug Control Pol-*
18 *icy shall submit to the Congress a report that includes a*
19 *plan to conduct, on an expedited basis, a scientific study*
20 *of the use of mycoherbicide as a means of illicit drug crop*
21 *elimination by an appropriate Government scientific re-*
22 *search entity, including a complete and thorough scientific*
23 *peer review. The study shall include an evaluation of the*
24 *likely human health and environmental impacts of such use.*
25 *The report shall also include a plan to conduct controlled*

1 *scientific testing in a major drug producing nation of*
 2 *mycoherbicide naturally existing in the producing nation.*

3 **SEC. 7. AMENDMENTS RELATING TO COORDINATION WITH**
 4 **OTHER AGENCIES.**

5 *Section 705 (21 U.S.C. 1704) is amended—*

6 *(1) in subsection (a)(1)(A), by striking “abuse”;*

7 *(2) in subsection (a)(2)(A), by striking “Director*
 8 *of Central Intelligence” and inserting “Director of*
 9 *National Intelligence”;*

10 *(3) in subsection (a)(2)(B), by striking “Director*
 11 *of Central Intelligence” and inserting “Director of*
 12 *National Intelligence and the Director of the Central*
 13 *Intelligence Agency”;*

14 *(4) by amending paragraph (3) of subsection (a)*
 15 *to read as follows:*

16 *“(3) REQUIRED REPORTS.—*

17 *“(A) SECRETARIES OF THE INTERIOR AND*
 18 *AGRICULTURE.—The Secretaries of Agriculture*
 19 *and Interior shall, by July 1 of each year, joint-*
 20 *ly submit to the Director, the appropriate con-*
 21 *gressional committees, the Committee on Agri-*
 22 *culture and the Committee on Resources of the*
 23 *House of Representatives, and the Committee on*
 24 *Agriculture and the Committee on Energy and*
 25 *Natural Resources of the Senate, an assessment*

1 *of the quantity of illegal drug cultivation and*
2 *manufacturing in the United States on lands*
3 *owned or under the jurisdiction of the Federal*
4 *Government for the preceding year.*

5 “(B) *ATTORNEY GENERAL.*—*The Attorney*
6 *General shall, by July 1 of each year, submit to*
7 *the Director and the appropriate congressional*
8 *committees information for the preceding year*
9 *regarding the number and type of—*

10 “(i) *arrests for drug violations;*

11 “(ii) *prosecutions for drug violations*
12 *by United States Attorneys; and*

13 “(iii) *seizures of drugs by each compo-*
14 *nent of the Department of Justice seizing*
15 *drugs, as well as statistical information on*
16 *the geographic areas of such seizures.*

17 “(C) *SECRETARY OF HOMELAND SECU-*
18 *RITY.*—*The Secretary of Homeland Security*
19 *shall, by July 1 of each year, submit to the Di-*
20 *rector, the appropriate congressional committees,*
21 *and the Committee on Homeland Security of the*
22 *House of Representatives, and the Committee on*
23 *Homeland Security and Governmental Affairs of*
24 *the Senate, information for the preceding year*
25 *regarding—*

1 “(i) the number and type of seizures of
2 drugs by each component of the Department
3 of Homeland Security seizing drugs, as well
4 as statistical information on the geographic
5 areas of such seizures; and

6 “(ii) the number of air and maritime
7 patrol hours undertaken by each component
8 of that Department primarily dedicated to
9 drug supply reduction missions.

10 “(D) SECRETARY OF DEFENSE.—The Sec-
11 retary of Defense shall, by July 1 of each year,
12 submit to the Director, the appropriate congres-
13 sional committees, the Committee on Armed
14 Services of the House of Representatives, and the
15 Committee on Armed Services of the Senate, in-
16 formation for the preceding year regarding the
17 number of air and maritime patrol hours pri-
18 marily dedicated to drug supply reduction mis-
19 sions undertaken by each component of the De-
20 partment of Defense.”;

21 (5) in subsection (b)(2)(B), by striking “Pro-
22 gram.” and inserting “Strategy.”; and

23 (6) in subsection (c), by striking “in” and in-
24 serting “on”.

1 **SEC. 8. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
2 **AND ASSESSMENT OF NATIONAL DRUG CON-**
3 **TROL STRATEGY.**

4 *Section 706 (21 U.S.C. 1705) is amended to read as*
5 *follows:*

6 **“SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**
7 **AND ASSESSMENT OF NATIONAL DRUG CON-**
8 **TROL STRATEGY.**

9 *“(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOP-*
10 *MENT AND SUBMISSION OF NATIONAL DRUG CONTROL*
11 *STRATEGY.—*

12 *“(1) IN GENERAL.—Not later than February 1 of*
13 *each year, the President shall submit to Congress a*
14 *National Drug Control Strategy, which shall set forth*
15 *a comprehensive plan for reducing illicit drug use*
16 *and the consequences of illicit drug use in the United*
17 *States by reducing the demand for illegal drugs, lim-*
18 *iting the availability of illegal drugs, and conducting*
19 *law enforcement activities with respect to illegal*
20 *drugs.*

21 *“(2) CONTENTS.—*

22 *“(A) IN GENERAL.—The National Drug*
23 *Control Strategy submitted under paragraph (1)*
24 *shall include the following:*

25 *“(i) Comprehensive, research-based,*
26 *long-range, and quantifiable goals for re-*

1 *ducing illicit drug use and the consequences*
2 *of illicit drug use in the United States.*

3 “(ii) *Annual quantifiable objectives for*
4 *demand reduction, supply reduction, and*
5 *law enforcement activities, specific targets*
6 *to accomplish long-range quantifiable reduc-*
7 *tion in illicit drug use as determined by the*
8 *Director, and specific measurements to*
9 *evaluate progress toward the targets and*
10 *strategic goals.*

11 “(iii) *A strategy to reduce the avail-*
12 *ability and purity of illegal drugs and the*
13 *level of drug-related crime in the United*
14 *States.*

15 “(iv) *An assessment of Federal effec-*
16 *tiveness in achieving the National Drug*
17 *Control Strategy for the previous year, in-*
18 *cluding a specific evaluation of whether the*
19 *objectives and targets for reducing illicit*
20 *drug use for the previous year were met and*
21 *reasons for the success or failure of the pre-*
22 *vious year’s Strategy.*

23 “(v) *A general review of the status of,*
24 *and trends in, international, State, and*
25 *local drug control activities to ensure that*

1 *the United States pursues well-coordinated*
2 *and effective drug control at all levels of*
3 *government.*

4 “(vi) *A general review of the status of,*
5 *and trends in, demand reduction activities*
6 *by private sector entities and community-*
7 *based organizations, including faith-based*
8 *organizations, to determine their effective-*
9 *ness and the extent of cooperation, coordina-*
10 *tion, and mutual support between such enti-*
11 *ties and organizations and Federal, State,*
12 *and local government agencies.*

13 “(vii) *An assessment of current illicit*
14 *drug use (including inhalants and steroids)*
15 *and availability, impact of illicit drug use,*
16 *and treatment availability, which assess-*
17 *ment shall include—*

18 “(I) *estimates of drug prevalence*
19 *and frequency of use as measured by*
20 *national, State, and local surveys of il-*
21 *licit drug use and by other special*
22 *studies of nondependent and dependent*
23 *illicit drug use;*

1 “(II) *illicit drug use in the work-*
2 *place and the productivity lost by such*
3 *use; and*

4 “(III) *illicit drug use by arrestees,*
5 *probationers, and parolees.*

6 “(viii) *An assessment of the reduction*
7 *of illicit drug availability, as measured*
8 *by—*

9 “(I) *the quantities of cocaine, her-*
10 *oin, marijuana, methamphetamine, ec-*
11 *stasy, and other drugs available for*
12 *consumption in the United States;*

13 “(II) *the amount of marijuana,*
14 *cocaine, heroin, methamphetamine, ec-*
15 *stasy, and precursor chemicals and*
16 *other drugs entering the United States;*

17 “(III) *the number of illicit drug*
18 *manufacturing laboratories seized and*
19 *destroyed and the number of hectares of*
20 *marijuana, poppy, and coca cultivated*
21 *and destroyed domestically and in*
22 *other countries;*

23 “(IV) *the number of metric tons of*
24 *marijuana, heroin, cocaine, and meth-*

1 *amphetamine seized and other drugs;*
2 *and*

3 “(V) *changes in the price and pu-*
4 *rity of heroin, methamphetamine, and*
5 *cocaine, changes in the price of ecstasy,*
6 *and changes in tetrahydrocannabinol*
7 *level of marijuana and other drugs.*

8 “(ix) *An assessment of the reduction of*
9 *the consequences of illicit drug use and*
10 *availability, which shall include—*

11 “(I) *the burden illicit drug users*
12 *place on hospital emergency depart-*
13 *ments in the United States, such as the*
14 *quantity of illicit drug-related services*
15 *provided;*

16 “(II) *the annual national health*
17 *care cost of illicit drug use; and*

18 “(III) *the extent of illicit drug-re-*
19 *lated crime and criminal activity.*

20 “(x) *A general review of the status of,*
21 *and trends in, of drug treatment in the*
22 *United States, by assessing—*

23 “(I) *public and private treatment*
24 *utilization; and*

1 “(II) the number of illicit drug
2 users the Director estimates meet diag-
3 nostic criteria for treatment.

4 “(xi) A review of the research agenda
5 of the Counterdrug Technology Assessment
6 Center to reduce the availability and abuse
7 of drugs.

8 “(xii) A summary of the efforts made
9 by Federal agencies to coordinate with pri-
10 vate sector entities to conduct private re-
11 search and development of medications to
12 treat addiction by—

13 “(I) screening chemicals for poten-
14 tial therapeutic value;

15 “(II) developing promising com-
16 pounds;

17 “(III) conducting clinical trials;

18 “(IV) seeking, where appropriate,
19 Food and Drug Administration ap-
20 proval for drugs to treat addiction;

21 “(V) marketing, where appro-
22 priate, the drug for the treatment of
23 addiction;

1 “(VI) urging physicians, where
2 appropriate, to use the drug in the
3 treatment of addiction; and

4 “(VII) encouraging, where appro-
5 priate, insurance companies to reim-
6 burse the cost of the drug for the treat-
7 ment of addiction.

8 “(xiii) Such additional statistical data
9 and information as the Director considers
10 appropriate to demonstrate and assess
11 trends relating to illicit drug use, the effects
12 and consequences of illicit drug use, supply
13 reduction, demand reduction, drug-related
14 law enforcement, and the implementation of
15 the National Drug Control Strategy.

16 “(xiv) A supplement reviewing the ac-
17 tivities of each individual National Drug
18 Control Program agency during the pre-
19 vious year with respect to the National
20 Drug Control Strategy and the Director’s
21 assessment of the progress of each National
22 Drug Control Program agency in meeting
23 its responsibilities under the National Drug
24 Control Strategy.

1 “(B) *CLASSIFIED INFORMATION.*—Any con-
2 *tents of the National Drug Control Strategy that*
3 *involve information properly classified under*
4 *criteria established by an Executive order shall*
5 *be presented to Congress separately from the rest*
6 *of the National Drug Control Strategy.*

7 “(C) *SELECTION OF DATA AND INFORMA-*
8 *TION.*—In selecting data and information for in-
9 *clusion under subparagraph (A), the Director*
10 *shall ensure—*

11 “(i) *the inclusion of data and informa-*
12 *tion that will permit analysis of current*
13 *trends against previously compiled data*
14 *and information where the Director believes*
15 *such analysis enhances long-term assessment*
16 *of the National Drug Control Strategy; and*

17 “(ii) *the inclusion of data and infor-*
18 *mation to permit a standardized and uni-*
19 *form assessment of the effectiveness of drug*
20 *treatment programs in the United States.*

21 “(3) *PROCESS FOR DEVELOPMENT AND SUBMIS-*
22 *SION.*—

23 “(A) *CONSULTATION.*—In developing and
24 *effectively implementing the National Drug Con-*
25 *trol Strategy, the Director—*

1 “(i) shall consult with—

2 “(I) the heads of the National
3 Drug Control Program agencies;

4 “(II) Congress;

5 “(III) State and local officials;

6 “(IV) private citizens and organi-
7 zations, including community- and
8 faith-based organizations, with experi-
9 ence and expertise in demand reduc-
10 tion;

11 “(V) private citizens and organi-
12 zations with experience and expertise
13 in supply reduction;

14 “(VI) private citizens and organi-
15 zations with experience and expertise
16 in law enforcement; and

17 “(VII) appropriate representatives
18 of foreign governments;

19 “(ii) with the concurrence of the Attor-
20 ney General, may require the El Paso Intel-
21 ligence Center to undertake specific tasks or
22 projects to implement the National Drug
23 Control Strategy;

24 “(iii) with the concurrence of the Di-
25 rector of National Intelligence and the At-

1 *torney General, may request that the Na-*
2 *tional Drug Intelligence Center undertake*
3 *specific tasks or projects to implement the*
4 *National Drug Control Strategy; and*

5 *“(iv) may make recommendations to*
6 *the Secretary of Health and Human Serv-*
7 *ices on research that supports or advances*
8 *the National Drug Control Strategy.*

9 *“(B) COMMITMENT TO SUPPORT STRAT-*
10 *EGY.—In satisfying the requirements of subpara-*
11 *graph (A)(i), the Director shall ensure, to the*
12 *maximum extent possible, that State and local*
13 *officials and relevant private organizations com-*
14 *mit to support and take steps to achieve the*
15 *goals and objectives of the National Drug Control*
16 *Strategy.*

17 *“(C) RECOMMENDATIONS.—Recommendations*
18 *under subparagraph (A)(iv) may include*
19 *recommendations of research to be performed at*
20 *the National Institutes of Health, including the*
21 *National Institute on Drug Abuse, or any other*
22 *appropriate agency within the Department of*
23 *Health and Human Services.*

24 *“(D) INCLUSION IN STRATEGY.—The Na-*
25 *tional Drug Control Strategy under this sub-*

1 *section shall include a list of each entity con-*
2 *sulted under subparagraph (A)(i).*

3 “(4) *SUBMISSION OF REVISED STRATEGY.—The*
4 *President may submit to Congress a revised National*
5 *Drug Control Strategy that meets the requirements of*
6 *this section—*

7 “(A) *at any time, upon a determination by*
8 *the President, in consultation with the Director,*
9 *that the National Drug Control Strategy in effect*
10 *is not sufficiently effective; or*

11 “(B) *if a new President or Director takes*
12 *office.*

13 “(b) *PERFORMANCE MEASUREMENT SYSTEM.—Not*
14 *later than February 1 of each year, the Director shall sub-*
15 *mit to Congress, as part of the National Drug Control*
16 *Strategy, a description of a national drug control perform-*
17 *ance measurement system that—*

18 “(1) *develops 2-year and 5-year performance*
19 *measures and targets for each National Drug Control*
20 *Strategy goal and objective established for reducing*
21 *drug use, drug availability, and the consequences of*
22 *drug use;*

23 “(2) *describes the sources of information and*
24 *data that will be used for each performance measure*

1 *incorporated into the performance measurement sys-*
2 *tem;*

3 *“(3) identifies major programs and activities of*
4 *the National Drug Control Program agencies that*
5 *support the goals and annual objectives of the Na-*
6 *tional Drug Control Strategy;*

7 *“(4) evaluates the contribution of demand reduc-*
8 *tion and supply reduction activities implemented by*
9 *each National Drug Control Program agency in sup-*
10 *port of the National Drug Control Strategy;*

11 *“(5) monitors consistency of drug-related goals*
12 *and objectives among the National Drug Control Pro-*
13 *gram agencies and ensures that each agency’s goals,*
14 *objectives, and budgets support and are fully con-*
15 *sistent with the National Drug Control Strategy; and*

16 *“(6) coordinates the development and implemen-*
17 *tation of national drug control data collection and re-*
18 *porting systems to support policy formulation and*
19 *performance measurement, including an assessment*
20 *of—*

21 *“(A) the quality of current drug use meas-*
22 *urement instruments and techniques to measure*
23 *supply reduction and demand reduction activi-*
24 *ties;*

1 “(B) the adequacy of the coverage of exist-
2 ing national drug use measurement instruments
3 and techniques to measure the illicit drug user
4 population, and groups that are at risk for illicit
5 drug use; and

6 “(C) the adequacy of the coverage of existing
7 national treatment outcome monitoring systems
8 to measure the effectiveness of drug abuse treat-
9 ment in reducing illicit drug use and criminal
10 behavior during and after the completion of sub-
11 stance abuse treatment; and

12 “(7) identifies the actions the Director shall take
13 to correct any inadequacies, deficiencies, or limita-
14 tions identified in the assessment described in para-
15 graph (6).

16 “(c) MODIFICATIONS.—A description of any modifica-
17 tions made during the preceding year to the national drug
18 performance measurement system described in subsection
19 (b) shall be included in each report submitted under sub-
20 section (a).”.

21 **SEC. 9. HIGH INTENSITY DRUG TRAFFICKING AREAS PRO-**
22 **GRAM.**

23 Section 707 (21 U.S.C. 1706) is amended to read as
24 follows:

1 **“SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS**
2 **PROGRAM.**

3 “(a) *ESTABLISHMENT.*—

4 “(1) *IN GENERAL.*—*There is established in the*
5 *Office a program to be known as the High Intensity*
6 *Drug Trafficking Areas Program (in this section re-*
7 *ferred to as the ‘Program’).*

8 “(2) *PURPOSE.*—*The purpose of the Program is*
9 *to reduce drug trafficking and drug production in the*
10 *United States by—*

11 “(A) *facilitating cooperation among Fed-*
12 *eral, State, and local law enforcement agencies to*
13 *share information and implement coordinated*
14 *enforcement activities;*

15 “(B) *enhancing intelligence sharing among*
16 *Federal, State, and local law enforcement agen-*
17 *cies;*

18 “(C) *providing reliable intelligence to law*
19 *enforcement agencies needed to design effective*
20 *enforcement strategies and operations; and*

21 “(D) *supporting coordinated law enforce-*
22 *ment strategies which maximize use of available*
23 *resources to reduce the supply of illegal drugs in*
24 *designated areas and in the United States as a*
25 *whole.*

1 “(b) *DESIGNATION.*—*The Director, upon consultation*
2 *with the Attorney General, the Secretary of the Treasury,*
3 *the Secretary of Homeland Security, heads of the National*
4 *Drug Control Program agencies, and the Governor of each*
5 *applicable State, may designate any specified area of the*
6 *United States as a high intensity drug trafficking area.*
7 *After making such a designation and in order to provide*
8 *Federal assistance to the area so designated, the Director*
9 *may—*

10 “(1) *obligate such sums as are appropriated for*
11 *the Program;*

12 “(2) *direct the temporary reassignment of Fed-*
13 *eral personnel to such area, subject to the approval of*
14 *the head of the department or agency that employs*
15 *such personnel;*

16 “(3) *take any other action authorized under sec-*
17 *tion 704 to provide increased Federal assistance to*
18 *those areas; and*

19 “(4) *coordinate activities under this section (spe-*
20 *cifically administrative, recordkeeping, and funds*
21 *management activities) with State and local officials.*

22 “(c) *PETITIONS FOR DESIGNATION.*—*The Director*
23 *shall establish regulations under which a coalition of inter-*
24 *ested law enforcement agencies from an area may petition*
25 *for designation as a high intensity drug trafficking area.*

1 *Such regulations shall provide for a regular review by the*
2 *Director of the petition, including a recommendation re-*
3 *garding the merit of the petition to the Director by a panel*
4 *of qualified, independent experts.*

5 “(d) *FACTORS FOR CONSIDERATION.—In considering*
6 *whether to designate an area under this section as a high*
7 *intensity drug trafficking area, the Director shall consider,*
8 *in addition to such other criteria as the Director considers*
9 *to be appropriate, the extent to which—*

10 “(1) *the area is a significant center of illegal*
11 *drug production, manufacturing, importation, or dis-*
12 *tribution;*

13 “(2) *State and local law enforcement agencies*
14 *have committed resources to respond to the drug traf-*
15 *ficking problem in the area, thereby indicating a de-*
16 *termination to respond aggressively to the problem;*

17 “(3) *drug-related activities in the area are hav-*
18 *ing a significant harmful impact in the area, and in*
19 *other areas of the country; and*

20 “(4) *a significant increase in allocation of Fed-*
21 *eral resources is necessary to respond adequately to*
22 *drug-related activities in the area.*

23 “(e) *ORGANIZATION OF HIGH INTENSITY DRUG TRAF-*
24 *FICKING AREAS.—*

1 “(1) *EXECUTIVE BOARD AND OFFICERS.*—To be
2 *eligible for funds appropriated under this section,*
3 *each high intensity drug trafficking area shall be gov-*
4 *erned by an Executive Board. The Executive Board*
5 *shall designate a chairman, vice chairman, and any*
6 *other officers to the Executive Board that it deter-*
7 *mines are necessary.*

8 “(2) *RESPONSIBILITIES.*—*The Executive Board*
9 *of a high intensity drug trafficking area shall be re-*
10 *sponsible for—*

11 “(A) *providing direction and oversight in*
12 *establishing and achieving the goals of the high*
13 *intensity drug trafficking area;*

14 “(B) *managing the funds of the high inten-*
15 *sity drug trafficking area;*

16 “(C) *reviewing and approving all funding*
17 *proposals consistent with the overall objective of*
18 *the high intensity drug trafficking area; and*

19 “(D) *reviewing and approving all reports to*
20 *the Director on the activities of the high inten-*
21 *sity drug trafficking area.*

22 “(3) *BOARD REPRESENTATION.*—*None of the*
23 *funds appropriated under this section may be ex-*
24 *pende*d for any high intensity drug trafficking area,
25 or for a partnership or region of a high intensity

1 *drug trafficking area, if that area's, region's or part-*
2 *nership's Executive Board does not apportion an*
3 *equal number of votes between representatives of par-*
4 *ticipating Federal agencies and representatives of*
5 *participating State and local agencies. Where it is*
6 *impractical for a equal number of representatives of*
7 *Federal agencies and State and local agencies to at-*
8 *tend a meeting of an Executive Board in person, the*
9 *Executive Board may use a system of proxy votes or*
10 *weighted votes to achieve the voting balance required*
11 *by this paragraph.*

12 “(4) *NO AGENCY RELATIONSHIP.—The eligibility*
13 *requirements of this section are intended to ensure the*
14 *responsible use of Federal funds. Nothing in this sec-*
15 *tion is intended to create an agency relationship be-*
16 *tween individual high intensity drug trafficking areas*
17 *and the Federal Government.*

18 “(f) *USE OF FUNDS.—The Director shall ensure that*
19 *no Federal funds appropriated for the Program are ex-*
20 *pended for the establishment or expansion of drug treatment*
21 *programs, and shall ensure that not more than five percent*
22 *of the Federal funds appropriated for the Program are ex-*
23 *pended for the establishment of drug prevention programs.*

24 “(g) *COUNTERTERRORISM ACTIVITIES.—*

1 “(1) *ASSISTANCE AUTHORIZED.*—*The Director*
2 *may authorize use of resources available for the Pro-*
3 *gram to assist Federal, State, and local law enforce-*
4 *ment agencies in investigations and activities related*
5 *to terrorism and prevention of terrorism, especially*
6 *but not exclusively with respect to such investigations*
7 *and activities that are also related to drug trafficking.*

8 “(2) *LIMITATION.*—*The Director shall ensure—*

9 “(A) *that assistance provided under para-*
10 *graph (1) remains incidental to the purpose of*
11 *the Program to reduce drug availability and*
12 *carry out drug-related law enforcement activi-*
13 *ties; and*

14 “(B) *that significant resources of the Pro-*
15 *gram are not redirected to activities exclusively*
16 *related to terrorism, except on a temporary basis*
17 *under extraordinary circumstances, as deter-*
18 *mined by the Director.*

19 “(h) *ROLE OF DRUG ENFORCEMENT ADMINISTRA-*
20 *TION.*—*The Director, in consultation with the Attorney*
21 *General, shall ensure that a representative of the Drug En-*
22 *forcement Administration is included in the Intelligence*
23 *Support Center for each high intensity drug trafficking*
24 *area.*

1 “(i) *ANNUAL HIDTA PROGRAM BUDGET SUBMIS-*
 2 *SIONS.*—As part of the documentation that supports the
 3 President’s annual budget request for the Office, the Direc-
 4 tor shall submit to Congress a budget justification that in-
 5 cludes the following:

6 “(1) *The amount requested for each high inten-*
 7 *sity drug trafficking area with supporting narrative*
 8 *descriptions and rationale for each request.*

9 “(2) *A detailed justification for each funding re-*
 10 *quest that explains the reasons for the requested fund-*
 11 *ing level, how such funding level was determined*
 12 *based on a current assessment of the drug trafficking*
 13 *threat in each high intensity drug trafficking area,*
 14 *how such funding will ensure that the goals and objec-*
 15 *tives of each such area will be achieved, and how such*
 16 *funding supports the National Drug Control Strategy.*

17 “(j) *EMERGING THREAT RESPONSE FUND.*—

18 “(1) *IN GENERAL.*—The Director may expend up
 19 to 10 percent of the amounts appropriated under this
 20 section on a discretionary basis, to respond to any
 21 emerging drug trafficking threat in an existing high
 22 intensity drug trafficking area, or to establish a new
 23 high intensity drug trafficking area or expand an ex-
 24 isting high intensity drug trafficking area, in accord-

1 *ance with the criteria established under paragraph*
 2 *(2).*

3 *“(2) CONSIDERATION OF IMPACT.—In allocating*
 4 *funds under this subsection, the Director shall con-*
 5 *sider—*

6 *“(A) the impact of activities funded on re-*
 7 *ducing overall drug traffic in the United States,*
 8 *or minimizing the probability that an emerging*
 9 *drug trafficking threat will spread to other areas*
 10 *of the United States; and*

11 *“(B) such other criteria as the Director con-*
 12 *siders appropriate.*

13 *“(k) EVALUATION.—*

14 *“(1) INITIAL REPORT.—Not later than 90 days*
 15 *after the date of the enactment of this subsection, the*
 16 *Director shall, after consulting with the Executive*
 17 *Boards of each designated high intensity drug traf-*
 18 *ficking area, submit a report to Congress that de-*
 19 *scribes, for each designated high intensity drug traf-*
 20 *ficking area—*

21 *“(A) the specific purposes for the high in-*
 22 *tensity drug trafficking area;*

23 *“(B) the specific long-term and short-term*
 24 *goals and objectives for the high intensity drug*
 25 *trafficking area;*

1 “(C) the measurements that will be used to
2 evaluate the performance of the high intensity
3 drug trafficking area in achieving the long-term
4 and short-term goals; and

5 “(D) the reporting requirements needed to
6 evaluate the performance of the high intensity
7 drug trafficking area in achieving the long-term
8 and short-term goals.

9 “(2) EVALUATION OF HIDTA PROGRAM AS PART
10 OF NATIONAL DRUG CONTROL STRATEGY.—For each
11 designated high intensity drug trafficking area, the
12 Director shall submit, as part of the annual National
13 Drug Control Strategy report, a report that—

14 “(A) describes—

15 “(i) the specific purposes for the high
16 intensity drug trafficking area; and

17 “(ii) the specific long-term and short-
18 term goals and objectives for the high inten-
19 sity drug trafficking area; and

20 “(B) includes an evaluation of the perform-
21 ance of the high intensity drug trafficking area
22 in accomplishing the specific long-term and
23 short-term goals and objectives identified under
24 paragraph (1)(B).

1 “(l) *ASSESSMENT OF DRUG ENFORCEMENT TASK*
2 *FORCES IN HIGH INTENSITY DRUG TRAFFICKING AREAS.*—
3 *Not later than 180 days after the date of enactment of this*
4 *subsection, and as part of each subsequent annual National*
5 *Drug Control Strategy report, the Director shall submit to*
6 *Congress a report—*

7 “(1) *assessing the number and operation of all*
8 *federally funded drug enforcement task forces within*
9 *each high intensity drug trafficking area; and*

10 “(2) *describing—*

11 “(A) *each Federal, State, and local drug en-*
12 *forcement task force operating in the high inten-*
13 *sity drug trafficking area;*

14 “(B) *how such task forces coordinate with*
15 *each other, with any high intensity drug traf-*
16 *ficking area task force, and with investigations*
17 *receiving funds from the Organized Crime and*
18 *Drug Enforcement Task Force;*

19 “(C) *what steps, if any, each such task force*
20 *takes to share information regarding drug traf-*
21 *ficking and drug production with other federally*
22 *funded drug enforcement task forces in the high*
23 *intensity drug trafficking area;*

1 “(D) the role of the high intensity drug traf-
 2 ficking area in coordinating the sharing of such
 3 information among task forces;

4 “(E) the nature and extent of cooperation
 5 by each Federal, State, and local participant in
 6 ensuring that such information is shared among
 7 law enforcement agencies and with the high in-
 8 tensity drug trafficking area;

9 “(F) the nature and extent to which infor-
 10 mation sharing and enforcement activities are
 11 coordinated with joint terrorism task forces in
 12 the high intensity drug trafficking area; and

13 “(G) any recommendations for measures
 14 needed to ensure that task force resources are uti-
 15 lized efficiently and effectively to reduce the
 16 availability of illegal drugs in the high intensity
 17 drug trafficking areas.

18 “(m) ASSESSMENT OF INTELLIGENCE SHARING IN
 19 HIGH INTENSITY DRUG TRAFFICKING AREAS—PRO-
 20 GRAM.—Not later than 180 days after the date of the enact-
 21 ment of this subsection, and as part of each subsequent an-
 22 nual National Drug Control Strategy report, the Director
 23 shall submit to Congress a report—

24 “(1) evaluating existing and planned intelligence
 25 systems supported by each high intensity drug traf-

1 *ficking area, or utilized by task forces receiving any*
2 *funding under the Program, including the extent to*
3 *which such systems ensure access and availability of*
4 *intelligence to Federal, State, and local law enforce-*
5 *ment agencies within the high intensity drug traf-*
6 *ficking area and outside of it;*

7 *“(2) the extent to which Federal, State, and local*
8 *law enforcement agencies participating in each high*
9 *intensity drug trafficking area are sharing intel-*
10 *ligence information to assess current drug trafficking*
11 *threats and design appropriate enforcement strategies;*
12 *and*

13 *“(3) the measures needed to improve effective*
14 *sharing of information and intelligence regarding*
15 *drug trafficking and drug production among Federal,*
16 *State, and local law enforcement participating in a*
17 *high intensity drug trafficking area, and between*
18 *such agencies and similar agencies outside the high*
19 *intensity drug trafficking area.*

20 *“(n) COORDINATION OF INTELLIGENCE SHARING*
21 *WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK*
22 *FORCE PROGRAM.—The Director, in consultation with the*
23 *Attorney General, shall ensure that any drug enforcement*
24 *intelligence obtained by the Intelligence Support Center for*
25 *each high intensity drug trafficking area is shared, on a*

1 *timely basis, with the drug intelligence fusion center oper-*
 2 *ated by the Organized Crime Drug Enforcement Task Force*
 3 *of the Department of Justice.*

4 “(o) *USE OF FUNDS TO COMBAT METHAMPHETAMINE*
 5 *TRAFFICKING.*—

6 “(1) *IN GENERAL.*—

7 “(A) *REQUIREMENT.*—*The Director shall*
 8 *ensure that, of the amounts appropriated for a*
 9 *fiscal year for the Program, at least \$15,000,000*
 10 *is allocated to combat the trafficking of meth-*
 11 *amphetamine in areas designated by the Direc-*
 12 *tor as high intensity drug trafficking areas.*

13 “(B) *ACTIVITIES.*—*In meeting the require-*
 14 *ment in subparagraph (A), the Director shall*
 15 *transfer funds to appropriate Federal, State, and*
 16 *local governmental agencies for employing addi-*
 17 *tional Federal law enforcement personnel, or fa-*
 18 *cilitating the employment of additional State*
 19 *and local law enforcement personnel, including*
 20 *agents, investigators, prosecutors, laboratory*
 21 *technicians, chemists, investigative assistants,*
 22 *and drug prevention specialists.*

23 “(2) *APPORTIONMENT OF FUNDS.*—

24 “(A) *FACTORS IN APPORTIONMENT.*—*The*
 25 *Director shall apportion amounts allocated*

1 *under paragraph (1) among areas designated by*
2 *the Director as high intensity drug trafficking*
3 *areas based on the following factors:*

4 “(i) *The number of methamphetamine*
5 *manufacturing facilities discovered by Fed-*
6 *eral, State, or local law enforcement offi-*
7 *cials in the area during the previous fiscal*
8 *year.*

9 “(ii) *The number of methamphetamine*
10 *prosecutions in Federal, State, or local*
11 *courts in the area during the previous fiscal*
12 *year.*

13 “(iii) *The number of methamphet-*
14 *amine arrests by Federal, State, or local*
15 *law enforcement officials in the area during*
16 *the previous fiscal year.*

17 “(iv) *The amounts of methamphet-*
18 *amine or listed chemicals (as that term is*
19 *defined in section 102(33) of the Controlled*
20 *Substances Act (21 U.S.C. 802(33)) seized*
21 *by Federal, State, or local law enforcement*
22 *officials in the area during the previous fis-*
23 *cal year.*

24 “(v) *Intelligence and predictive data*
25 *from the Drug Enforcement Administration*

1 *showing patterns and trends in abuse, traf-*
 2 *ficking, and transportation in methamphet-*
 3 *amine and listed chemicals (as that term is*
 4 *so defined).*

5 “(B) *CERTIFICATION.*—*Before the Director*
 6 *apportions any funds under this paragraph to a*
 7 *high intensity drug trafficking area, the Director*
 8 *shall certify that the law enforcement entities re-*
 9 *sponsible for clandestine methamphetamine lab-*
 10 *oratory seizures in that area are providing lab-*
 11 *oratory seizure data to the national clandestine*
 12 *laboratory database at the El Paso Intelligence*
 13 *Center.*

14 “(p) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 15 *authorized to be appropriated to the Office of National*
 16 *Drug Control Policy to carry out this section—*

17 “(1) \$280,000,000 for fiscal year 2007;

18 “(2) \$290,000,000 for each of fiscal years 2008
 19 *and 2009; and*

20 “(3) \$300,000,000 for each of fiscal years 2010
 21 *and 2011.”.*

22 **SEC. 10. FUNDING FOR CERTAIN HIGH INTENSITY DRUG**
 23 **TRAFFICKING AREAS.**

24 “(a) *SHORT TITLE.*—*This section may be cited as the*
 25 *“Dawson Family Community Protection Act”.*

1 **(b) FINDINGS.**—Congress finds the following:

2 (1) In the early morning hours of October 16,
3 2002, the home of Carnell and Angela Dawson was
4 firebombed in apparent retaliation for Mrs. Dawson's
5 notification of police about persistent drug distribu-
6 tion activity in their East Baltimore City neighbor-
7 hood.

8 (2) The arson claimed the lives of Mr. and Mrs.
9 Dawson and their 5 young children, aged 9 to 14.

10 (3) The horrific murder of the Dawson family is
11 a stark example of domestic narco-terrorism.

12 (4) In all phases of counter-narcotics law en-
13 forcement—from prevention to investigation to pros-
14 ecution to reentry—the voluntary cooperation of ordi-
15 nary citizens is a critical component.

16 (5) Voluntary cooperation is difficult for law en-
17 forcement officials to obtain when citizens feel that co-
18 operation carries the risk of violent retaliation by ille-
19 gal drug trafficking organizations and their affiliates.

20 (6) Public confidence that law enforcement is
21 doing all it can to make communities safe is a pre-
22 requisite for voluntary cooperation among people who
23 may be subject to intimidation or reprisal (or both).

24 (7) Witness protection programs are insufficient
25 on their own to provide security because many indi-

1 *viduals and families who strive every day to make*
 2 *distressed neighborhoods livable for their children,*
 3 *other relatives, and neighbors will resist or refuse of-*
 4 *fers of relocation by local, State, and Federal prosecu-*
 5 *torial agencies and because, moreover, the continued*
 6 *presence of strong individuals and families is critical*
 7 *to preserving and strengthening the social fabric in*
 8 *such communities.*

9 *(8) Where (as in certain sections of Baltimore*
 10 *City) interstate trafficking of illegal drugs has severe*
 11 *ancillary local consequences within areas designated*
 12 *as high intensity drug trafficking areas, it is impor-*
 13 *tant that supplementary High Intensity Drug Traf-*
 14 *ficking Areas Program funds be committed to support*
 15 *initiatives aimed at making the affected communities*
 16 *safe for the residents of those communities and en-*
 17 *couraging their cooperation with local, State, and*
 18 *Federal law enforcement efforts to combat illegal drug*
 19 *trafficking.*

20 *(c) FUNDING FOR CERTAIN HIGH INTENSITY DRUG*
 21 *TRAFFICKING AREAS.—Section 707 (21 U.S.C. 1706), as*
 22 *amended by section 9, is further amended by adding at the*
 23 *end the following new subsection:*

24 *“(q) SPECIFIC PURPOSES.—*

1 “(1) *IN GENERAL.*—*The Director shall ensure*
 2 *that, of the amounts appropriated for a fiscal year for*
 3 *the Program, at least \$7,000,000 is used in high in-*
 4 *tensity drug trafficking areas with severe neighbor-*
 5 *hood safety and illegal drug distribution problems.*

6 “(2) *REQUIRED USES.*—*The funds used under*
 7 *paragraph (1) shall be used—*

8 “(A) *to ensure the safety of neighborhoods*
 9 *and the protection of communities, including the*
 10 *prevention of the intimidation of potential wit-*
 11 *nesses of illegal drug distribution and related ac-*
 12 *tivities; and*

13 “(B) *to combat illegal drug trafficking*
 14 *through such methods as the Director considers*
 15 *appropriate, such as establishing or operating*
 16 *(or both) a toll-free telephone hotline for use by*
 17 *the public to provide information about illegal*
 18 *drug-related activities.”.*

19 **SEC. 11. AMENDMENTS RELATING TO COUNTER-DRUG**
 20 **TECHNOLOGY ASSESSMENT CENTER.**

21 (a) *CHIEF SCIENTIST.*—*Section 708(b) (21 U.S.C.*
 22 *1707(b)) is amended—*

23 (1) *in the heading by striking “DIRECTOR OF*
 24 *TECHNOLOGY.—” and inserting “CHIEF SCI-*
 25 *ENTIST.—”; and*

1 (2) by striking “Director of Technology,” and in-
2 serting “Chief Scientist,”.

3 (b) *ADDITIONAL RESPONSIBILITIES OF DIRECTOR.*—
4 Section 708(c) (21 U.S.C. 1707(c)) is amended to read as
5 follows:

6 “(c) *ADDITIONAL RESPONSIBILITIES OF THE DIREC-*
7 *TOR OF NATIONAL DRUG CONTROL POLICY.*—

8 “(1) *IN GENERAL.*—*The Director, acting through*
9 *the Chief Scientist shall—*

10 “(A) *identify and define the short-, me-*
11 *dium-, and long-term scientific and technological*
12 *needs of Federal, State, and local law enforce-*
13 *ment agencies relating to drug enforcement, in-*
14 *cluding—*

15 “(i) *advanced surveillance, tracking,*
16 *and radar imaging;*

17 “(ii) *electronic support measures;*

18 “(iii) *communications;*

19 “(iv) *data fusion, advanced computer*
20 *systems, and artificial intelligence; and*

21 “(v) *chemical, biological, radiological*
22 *(including neutron, electron, and graviton),*
23 *and other means of detection;*

24 “(B) *identify demand reduction (including*
25 *drug prevention) basic and applied research*

1 *needs and initiatives, in consultation with af-*
2 *ected National Drug Control Program agencies,*
3 *including—*

4 *“(i) improving treatment through*
5 *neuroscientific advances;*

6 *“(ii) improving the transfer of bio-*
7 *medical research to the clinical setting; and*

8 *“(iii) in consultation with the Na-*
9 *tional Institute on Drug Abuse and the*
10 *Substance Abuse and Mental Health Serv-*
11 *ices Administration, and through inter-*
12 *agency agreements or grants, examining ad-*
13 *diction and rehabilitation research and the*
14 *application of technology to expanding the*
15 *effectiveness or availability of drug treat-*
16 *ment;*

17 *“(C) make a priority ranking of such needs*
18 *identified in subparagraphs (A) and (B) accord-*
19 *ing to fiscal and technological feasibility, as part*
20 *of a National Counterdrug Research and Devel-*
21 *opment Program;*

22 *“(D) oversee and coordinate counterdrug*
23 *technology initiatives with related activities of*
24 *other Federal civilian and military departments;*

1 “(E) provide support to the development
2 and implementation of the national drug control
3 performance measurement system established
4 under subsection (b) of section 706;

5 “(F) with the advice and counsel of experts
6 from State and local law enforcement agencies,
7 oversee and coordinate a technology transfer pro-
8 gram for the transfer of technology to State and
9 local law enforcement agencies; and

10 “(G) pursuant to the authority of the Direc-
11 tor of National Drug Control Policy under sec-
12 tion 704, submit requests to Congress for the re-
13 programming or transfer of funds appropriated
14 for counterdrug technology research and develop-
15 ment.

16 “(2) *PRIORITIES IN TRANSFERRING TECH-*
17 *NOLOGY.—*

18 “(A) *IN GENERAL.—*The Chief Scientist
19 shall give priority, in transferring technology
20 under paragraph (1)(F), based on the following
21 criteria:

22 “(i) the need of potential recipients for
23 such technology;

1 “(ii) the effectiveness of the technology
2 to enhance current counterdrug activities of
3 potential recipients; and

4 “(iii) the ability and willingness of po-
5 tential recipients to evaluate transferred
6 technology.

7 “(B) INTERDICTION AND BORDER DRUG
8 LAW ENFORCEMENT TECHNOLOGIES.—The Chief
9 Scientist shall give priority, in transferring tech-
10 nologies most likely to assist in drug interdiction
11 and border drug law enforcement, to State, local,
12 and tribal law enforcement agencies in southwest
13 border areas and northern border areas with sig-
14 nificant traffic in illicit drugs.

15 “(3) LIMITATION ON AUTHORITY.—The authority
16 granted to the Director under this subsection shall not
17 extend to the direct management of individual
18 projects or other operational activities.

19 “(4) REPORT.—On or before July 1 of each year,
20 the Director shall submit a report to the appropriate
21 congressional committees that addresses the following:

22 “(A) The number of requests received during
23 the previous 12 months, including the identity of
24 each requesting agency and the type of tech-
25 nology requested.

1 “(B) *The number of requests fulfilled during*
 2 *the previous 12 months, including the identity of*
 3 *each recipient agency and the type of technology*
 4 *transferred.*

5 “(C) *A summary of the criteria used in*
 6 *making the determination on what requests were*
 7 *funded and what requests were not funded, ex-*
 8 *cept that such summary shall not include spe-*
 9 *cific information on any individual requests.*

10 “(D) *A general assessment of the future*
 11 *needs of the program, based on expected changes*
 12 *in threats, expected technologies, and likely need*
 13 *from potential recipients.*

14 “(E) *An assessment of the effectiveness of*
 15 *the technologies transferred, based in part on the*
 16 *evaluations provided by the recipients, with a*
 17 *recommendation whether the technology should*
 18 *continue to be offered through the program.”.*

19 (c) *ASSISTANCE FROM SECRETARY OF HOMELAND SE-*
 20 *curity.—Section 708(d) (21 U.S.C. 1707(d)) is amended*
 21 *by inserting “, the Secretary of Homeland Security,” after*
 22 *“The Secretary of Defense”.*

23 **SEC. 12. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.**

24 (a) *IN GENERAL.—Section 709 (21 U.S.C. 1708) is*
 25 *amended to read as follows:*

1 **“SEC. 709. NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.**

2 “(a) *IN GENERAL.*—*The Director shall conduct a na-*
3 *tional youth anti-drug media campaign (referred to in this*
4 *subtitle as the ‘national media campaign’) in accordance*
5 *with this section for the purposes of—*

6 “(1) *preventing drug abuse among young people*
7 *in the United States;*

8 “(2) *increasing awareness of adults of the impact*
9 *of drug abuse on young people; and*

10 “(3) *encouraging parents and other interested*
11 *adults to discuss with young people the dangers of il-*
12 *legal drug use.*

13 “(b) *USE OF FUNDS.*—

14 “(1) *IN GENERAL.*—*Amounts made available to*
15 *carry out this section for the national media cam-*
16 *paign may only be used for the following:*

17 “(A) *The purchase of media time and space,*
18 *including the strategic planning for, and ac-*
19 *counting of, such purchases.*

20 “(B) *Creative and talent costs, consistent*
21 *with paragraph (2)(A).*

22 “(C) *Advertising production costs.*

23 “(D) *Testing and evaluation of advertising.*

24 “(E) *Evaluation of the effectiveness of the*
25 *national media campaign.*

1 “(F) *The negotiated fees for the winning*
2 *bidder on requests for proposals issued either by*
3 *the Office or its designee to enter into contracts*
4 *to carry out activities authorized by this section.*

5 “(G) *Partnerships with professional and*
6 *civic groups, community-based organizations, in-*
7 *cluding faith-based organizations, and govern-*
8 *ment organizations related to the national media*
9 *campaign.*

10 “(H) *Entertainment industry outreach,*
11 *interactive outreach, media projects and activi-*
12 *ties, public information, news media outreach,*
13 *and corporate sponsorship and participation.*

14 “(I) *Operational and management expenses.*

15 “(2) *SPECIFIC REQUIREMENTS.—*

16 “(A) *CREATIVE SERVICES.—*

17 “(i) *In using amounts for creative and*
18 *talent costs under paragraph (1)(B), the Di-*
19 *rector shall use creative services donated at*
20 *no cost to the Government (including cre-*
21 *ative services provided by the Partnership*
22 *for a Drug-Free America) wherever feasible*
23 *and may only procure creative services for*
24 *advertising—*

1 “(I) responding to high-priority
2 or emergent campaign needs that can-
3 not timely be obtained at no cost; or

4 “(II) intended to reach a minor-
5 ity, ethnic, or other special audience
6 that cannot reasonably be obtained at
7 no cost; or

8 “(III) the Director determines
9 that the Partnership for a Drug-Free
10 America is unable to provide, pursuant
11 to subsection (d)(2)(B).

12 “(ii) No more than \$1,500,000 may be
13 expended under this section each fiscal year
14 on creative services, except that the Director
15 may expend up to \$2,000,000 in a fiscal
16 year on creative services to meet urgent
17 needs of the national media campaign with
18 advance approval from the Committee on
19 Appropriations of the House of Representa-
20 tives and of the Senate upon a showing of
21 the circumstances causing such urgent needs
22 of the national media campaign.

23 “(B) TESTING AND EVALUATION OF ADVER-
24 TISING.—In using amounts for testing and eval-
25 uation of advertising under paragraph (1)(D),

1 *the Director shall test all advertisements prior to*
2 *use in the national media campaign to ensure*
3 *that the advertisements are effective and meet in-*
4 *dustry-accepted standards. The Director may*
5 *waive this requirement for advertisements using*
6 *no more than 10 percent of the purchase of ad-*
7 *vertising time purchased under this section in a*
8 *fiscal year and no more than 10 percent of the*
9 *advertising space purchased under this section in*
10 *a fiscal year, if the advertisements respond to*
11 *emergent and time-sensitive campaign needs or*
12 *the advertisements will not be widely utilized in*
13 *the national media campaign.*

14 “(C) *EVALUATION OF EFFECTIVENESS OF*
15 *MEDIA CAMPAIGN.—In using amounts for the*
16 *evaluation of the effectiveness of the national*
17 *media campaign under paragraph (1)(E), the*
18 *Director shall—*

19 “(i) *designate an independent entity to*
20 *evaluate annually the effectiveness of the na-*
21 *tional media campaign based on data*
22 *from—*

23 “(I) *the Monitoring the Future*
24 *Study published by the Department of*
25 *Health and Human Services;*

1 “(II) *the Attitude Tracking Study*
2 *published by the Partnership for a*
3 *Drug Free America;*

4 “(III) *the National Household*
5 *Survey on Drug Abuse; and*

6 “(IV) *other relevant studies or*
7 *publications, as determined by the Di-*
8 *rector, including tracking and evalua-*
9 *tion data collected according to mar-*
10 *keting and advertising industry stand-*
11 *ards; and*

12 “(ii) *ensure that the effectiveness of the*
13 *national media campaign is evaluated in a*
14 *manner that enables consideration of wheth-*
15 *er the national media campaign has con-*
16 *tributed to reduction of illicit drug use*
17 *among youth and such other measures of*
18 *evaluation as the Director determines are*
19 *appropriate.*

20 “(3) *PURCHASE OF ADVERTISING TIME AND*
21 *SPACE.—For each fiscal year, not less than 77 percent*
22 *of the amounts appropriated under this section shall*
23 *be used for the purchase of advertising time and space*
24 *for the national media campaign, subject to the fol-*
25 *lowing exceptions:*

1 “(A) *In any fiscal year for which less than*
2 *\$125,000,000 is appropriated for the national*
3 *media campaign, not less than 82 percent of the*
4 *amounts appropriated under this section shall be*
5 *used for the purchase of advertising time and*
6 *space for the national media campaign.*

7 “(B) *In any fiscal year for which more*
8 *than \$195,000,000 is appropriated under this*
9 *section, not less than 72 percent shall be used for*
10 *advertising production costs and the purchase of*
11 *advertising time and space for the national*
12 *media campaign.*

13 “(c) *ADVERTISING.—In carrying out this section, the*
14 *Director shall ensure that sufficient funds are allocated to*
15 *meet the stated goals of the national media campaign.*

16 “(d) *DIVISION OF RESPONSIBILITIES AND FUNCTIONS*
17 *UNDER THE PROGRAM.—*

18 “(1) *IN GENERAL.—The Director, in consultation*
19 *with the Partnership for a Drug-Free America, shall*
20 *determine the overall purposes and strategy of the na-*
21 *tional media campaign.*

22 “(2) *RESPONSIBILITIES.—*

23 “(A) *DIRECTOR.—The Director shall be re-*
24 *sponsible for implementing a focused national*

1 *media campaign to meet the purposes set forth*
2 *in subsection (a), and shall approve—*

3 *“(i) the strategy of the national media*
4 *campaign;*

5 *“(ii) all advertising and promotional*
6 *material used in the national media cam-*
7 *paign; and*

8 *“(iii) the plan for the purchase of ad-*
9 *vertising time and space for the national*
10 *media campaign.*

11 *“(B) THE PARTNERSHIP FOR A DRUG-FREE*
12 *AMERICA.—The Director shall request that the*
13 *Partnership for a Drug-Free America—*

14 *“(i) develop and recommend strategies*
15 *to achieve the goals of the national media*
16 *campaign, including addressing national*
17 *and local drug threats in specific regions or*
18 *States, such as methamphetamine and ec-*
19 *stasy;*

20 *“(ii) create all advertising to be used*
21 *in the national media campaign, except ad-*
22 *vertisements that are—*

23 *“(I) provided by other nonprofit*
24 *entities pursuant to subsection (f);*

1 “(II) intended to respond to high-
2 priority or emergent campaign needs
3 that cannot timely be obtained at no
4 cost (not including production costs
5 and talent reuse payments), provided
6 that any such advertising material is
7 reviewed by the Partnership for a
8 Drug-Free America;

9 “(III) intended to reach a minor-
10 ity, ethnic, or other special audience
11 that cannot be obtained at no cost (not
12 including production costs and talent
13 reuse payments), provided that any
14 such advertising material is reviewed
15 by the Partnership for a Drug-Free
16 America; or

17 “(IV) any other advertisements
18 that the Director determines that the
19 Partnership for a Drug-Free America
20 is unable to provide.

21 “(C) MEDIA BUYING CONTRACTOR.—The
22 Director shall enter into a contract with a media
23 buying contractor to plan and purchase adver-
24 tising time and space for the national media
25 campaign. The media buying contractor shall

1 *not provide any other service or material, or*
2 *conduct any other function or activity which the*
3 *Director determines should be provided by the*
4 *Partnership for a Drug-Free America.*

5 “(e) *PROHIBITIONS.—None of the amounts made*
6 *available under subsection (b) may be obligated or expended*
7 *for any of the following:*

8 “(1) *To supplant current antidrug community-*
9 *based coalitions.*

10 “(2) *To supplant pro bono public service time*
11 *donated by national and local broadcasting networks*
12 *for other public service campaigns.*

13 “(3) *For partisan political purposes, or express*
14 *advocacy in support of or to defeat any clearly identi-*
15 *fied candidate, clearly identified ballot initiative, or*
16 *clearly identified legislative or regulatory proposal.*

17 “(4) *To fund advertising that features any elect-*
18 *ed officials, persons seeking elected office, cabinet level*
19 *officials, or other Federal officials employed pursuant*
20 *to section 213 of Schedule C of title 5, Code of Federal*
21 *Regulations.*

22 “(5) *To fund advertising that does not contain*
23 *a primary message intended to reduce or prevent il-*
24 *licit drug use.*

1 “(6) *To fund advertising containing a primary*
2 *message intended to promote support for the media*
3 *campaign or private sector contributions to the media*
4 *campaign.*

5 “(f) *MATCHING REQUIREMENT.—*

6 “(1) *IN GENERAL.—*Amounts made available
7 *under subsection (b) for media time and space shall*
8 *be matched by an equal amount of non-Federal funds*
9 *for the national media campaign, or be matched with*
10 *in-kind contributions of the same value.*

11 “(2) *NO-COST MATCH ADVERTISING DIRECT RE-*
12 *LATIONSHIP REQUIREMENT.—*The Director shall en-
13 *sure that at least 70 percent of no-cost match adver-*
14 *tising provided directly relates to substance abuse pre-*
15 *vention consistent with the specific purposes of the*
16 *national media campaign, except that in any fiscal*
17 *year in which less than \$125,000,000 is appropriated*
18 *to the national media campaign, the Director shall*
19 *ensure that at least 85 percent of no-cost match ad-*
20 *vertising directly relates to substance abuse preven-*
21 *tion consistent with the specific purposes of the na-*
22 *tional media campaign.*

23 “(3) *NO-COST MATCH ADVERTISING NOT DI-*
24 *RECTLY RELATED.—*The Director shall ensure that
25 *no-cost match advertising that does not directly relate*

1 to substance abuse prevention consistent with the pur-
2 poses of the national media campaign includes a clear
3 antidrug message. Such message is not required to be
4 the primary message of the match advertising.

5 “(g) *FINANCIAL AND PERFORMANCE ACCOUNT-*
6 *ABILITY.—The Director shall cause to be performed—*

7 “(1) audits and reviews of costs of the national
8 media campaign pursuant to section 304C of the Fed-
9 eral Property and Administrative Services Act of
10 1949 (41 U.S.C. 254d); and

11 “(2) an audit to determine whether the costs of
12 the national media campaign are allowable under sec-
13 tion 306 of such Act (41 U.S.C. 256).

14 “(h) *REPORT TO CONGRESS.—The Director shall sub-*
15 *mit on an annual basis a report to Congress that de-*
16 *scribes—*

17 “(1) the strategy of the national media cam-
18 paign and whether specific objectives of the media
19 campaign were accomplished;

20 “(2) steps taken to ensure that the national
21 media campaign operates in an effective and efficient
22 manner consistent with the overall strategy and focus
23 of the national media campaign;

24 “(3) plans to purchase advertising time and
25 space;

1 “(4) *policies and practices implemented to en-*
2 *sure that Federal funds are used responsibly to pur-*
3 *chase advertising time and space and eliminate the*
4 *potential for waste, fraud, and abuse; and*

5 “(5) *all contracts entered into with a corpora-*
6 *tion, partnership, or individual working on behalf of*
7 *the national media campaign.*

8 “(i) *LOCAL TARGET REQUIREMENT.—The Director*
9 *shall, to the maximum extent feasible, use amounts made*
10 *available under this section for media that focuses on, or*
11 *includes specific information on, prevention or treatment*
12 *resources for consumers within specific local areas.*

13 “(j) *PREVENTION OF MARIJUANA USE.—*

14 “(1) *FINDINGS.—The Congress finds the fol-*
15 *lowing:*

16 “(A) *60 percent of adolescent admissions for*
17 *drug treatment are based on marijuana use.*

18 “(B) *Potency levels of contemporary mari-*
19 *juana, particularly hydroponically grown mari-*
20 *juana, are significantly higher than in the past,*
21 *rising from under 1 percent of THC in the mid-*
22 *1970s to as high as 30 percent today.*

23 “(C) *Contemporary research has dem-*
24 *onstrated that youths smoking marijuana early*

1 *in life may be up to five times more likely to use*
2 *hard drugs.*

3 “(D) Contemporary research has dem-
4 onstrated clear detrimental effects in adolescent
5 educational achievement resulting from mari-
6 juana use.

7 “(E) Contemporary research has dem-
8 onstrated clear detrimental effects in adolescent
9 brain development resulting from marijuana use.

10 “(F) An estimated 9,000,000 Americans a
11 year drive while under the influence of illegal
12 drugs, including marijuana.

13 “(G) Marijuana smoke contains 50 to 70
14 percent more of certain cancer causing chemicals
15 than tobacco smoke.

16 “(H) Teens who use marijuana are up to
17 four times more likely to have a teen pregnancy
18 than teens who have not.

19 “(I) Federal law enforcement agencies have
20 identified clear links suggesting that trade in hy-
21 droponic marijuana facilitates trade by criminal
22 organizations in hard drugs, including heroin.

23 “(J) Federal law enforcement agencies have
24 identified possible links between trade in can-

1 *nabis products and financing for terrorist orga-*
 2 *nizations.*

3 “(2) *EMPHASIS ON PREVENTION OF YOUTH MARI-*
 4 *JUANA USE.*—*In conducting advertising and activities*
 5 *otherwise authorized under this section, the Director*
 6 *may emphasize prevention of youth marijuana use.*

7 “(k) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 8 *authorized to be appropriated to the Office to carry out this*
 9 *section, \$195,000,000 for each of fiscal years 2007 and 2008*
 10 *and \$210,000,000 for each of fiscal years 2009 through*
 11 *2011.”.*

12 (b) *REPEAL OF SUPERSEDED PROVISIONS.*—*The*
 13 *Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801*
 14 *et seq.) is repealed.*

15 **SEC. 13. DRUG INTERDICTION.**

16 (a) *IN GENERAL.*—*Subsections (a) and (b) of section*
 17 *711 (21 U.S.C. 1710) are amended to read as follows:*

18 “(a) *UNITED STATES INTERDICTION COORDINATOR.*—

19 “(1) *IN GENERAL.*—*The Deputy Director for*
 20 *Supply Reduction in the Office shall serve as the*
 21 *United States Interdiction Coordinator, and shall*
 22 *perform the duties of that position described in para-*
 23 *graph (2) and such other duties as may be determined*
 24 *by the Director with respect to coordination of efforts*

1 to interdict illicit drugs from entering the United
2 States.

3 “(2) *RESPONSIBILITIES.*—The United States
4 Interdiction Coordinator shall be responsible to the
5 Director for—

6 “(A) coordinating the interdiction activities
7 of the National Drug Control Program agencies
8 to ensure consistency with the National Drug
9 Control Strategy;

10 “(B) on behalf of the Director, developing
11 and issuing, on or before March 1 of each year
12 and in accordance with paragraph (3), a Na-
13 tional Interdiction Command and Control Plan
14 to ensure the coordination and consistency de-
15 scribed in subparagraph (A);

16 “(C) assessing the sufficiency of assets com-
17 mitted to illicit drug interdiction by the relevant
18 National Drug Control Program agencies; and

19 “(D) advising the Director on the efforts of
20 each National Drug Control Program agency to
21 implement the National Interdiction Command
22 and Control Plan.

23 “(3) *STAFF.*—The Director shall assign such per-
24 manent staff of the Office as he considers appropriate
25 to assist the United States Interdiction Coordinator

1 to carry out the responsibilities described in para-
2 graph (2), and may also, at his discretion, request
3 that appropriate National Drug Control Program
4 agencies detail or assign staff to the Office of Supply
5 Reduction for that purpose.

6 “(4) NATIONAL INTERDICTION COMMAND AND
7 CONTROL PLAN.—

8 “(A) PURPOSES.—The National Interdic-
9 tion Command and Control Plan shall—

10 “(i) set forth the Government’s strategy
11 for drug interdiction;

12 “(ii) state the specific roles and respon-
13 sibilities of the relevant National Drug Con-
14 trol Program agencies for implementing
15 that strategy; and

16 “(iii) identify the specific resources re-
17 quired to enable the relevant National Drug
18 Control Program agencies to implement
19 that strategy.

20 “(B) CONSULTATION WITH OTHER AGEN-
21 CIES.—The United States Interdiction Coordi-
22 nator shall issue the National Interdiction Com-
23 mand and Control Plan in consultation with the
24 other members of the Interdiction Committee de-
25 scribed in subsection (b).

1 “(C) *LIMITATION.*—*The National Interdic-*
2 *tion Command and Control Plan shall not*
3 *change existing agency authorities or the laws*
4 *governing interagency relationships, but may in-*
5 *clude recommendations about changes to such*
6 *authorities or laws.*

7 “(D) *REPORT TO CONGRESS.*—*On or before*
8 *March 1 of each year, the United States Interdic-*
9 *tion Coordinator shall provide a report on behalf*
10 *of the Director to the appropriate congressional*
11 *committees, to the Committee on Armed Services*
12 *and the Committee on Homeland Security of the*
13 *House of Representatives, and to the Committee*
14 *on Homeland Security and Governmental Af-*
15 *airs and the Committee on Armed Services of*
16 *the Senate, which shall include—*

17 “(i) *a copy of that year’s National*
18 *Interdiction Command and Control Plan;*

19 “(ii) *information for the previous 10*
20 *years regarding the number and type of sei-*
21 *zures of drugs by each National Drug Con-*
22 *trol Program agency conducting drug inter-*
23 *diction activities, as well as statistical in-*
24 *formation on the geographic areas of such*
25 *seizures; and*

1 “(iii) information for the previous 10
2 years regarding the number of air and mar-
3 itime patrol hours undertaken by each Na-
4 tional Drug Control Program agency con-
5 ducting drug interdiction activities, as well
6 as statistical information on the geographic
7 areas in which such patrol hours took place.

8 “(E) *TREATMENT OF CLASSIFIED OR LAW*
9 *ENFORCEMENT SENSITIVE INFORMATION.*—Any
10 content of the report described in subparagraph
11 (D) that involves information classified under
12 criteria established by an Executive order, or the
13 public disclosure of which, as determined by the
14 United States Interdiction Coordinator or the
15 head of any relevant National Drug Control Pro-
16 gram agency, would be detrimental to the law
17 enforcement or national security activities of any
18 Federal, State, or local agency, shall be presented
19 to Congress separately from the rest of the plan.

20 “(b) *INTERDICTION COMMITTEE.*—

21 “(1) *IN GENERAL.*—The Interdiction Committee
22 shall meet to—

23 “(A) discuss and resolve issues related to the
24 coordination, oversight and integration of inter-
25 national, border, and domestic drug interdiction

1 *efforts in support of the National Drug Control*
2 *Strategy;*

3 “(B) *review the annual National Interdic-*
4 *tion Command and Control Plan, and provide*
5 *advice to the Director and the United States*
6 *Interdiction Coordinator concerning that plan;*
7 *and*

8 “(C) *provide such other advice to the Direc-*
9 *tor concerning drug interdiction strategy and*
10 *policies as the committee determines is appro-*
11 *priate.*

12 “(2) *MEMBERSHIP.—The membership of the*
13 *Interdiction Committee shall consist of—*

14 “(A) *the Commissioner of the bureau of*
15 *Customs and Border Protection at the Depart-*
16 *ment of Homeland Security;*

17 “(B) *the Assistant Secretary of the bureau*
18 *of Immigration and Customs Enforcement at the*
19 *Department of Homeland Security;*

20 “(C) *the Commandant of the United States*
21 *Coast Guard;*

22 “(D) *the Director of the Office of Counter-*
23 *narcotics Enforcement at the Department of*
24 *Homeland Security;*

1 “(E) *the Administrator of the Drug En-*
2 *forcement Administration;*

3 “(F) *the Assistant Secretary of State for*
4 *International Narcotics and Law Enforcement*
5 *Affairs;*

6 “(G) *the Assistant Secretary of Defense for*
7 *Special Operations and Low Intensity Conflict;*

8 “(H) *the Deputy Director for Supply Re-*
9 *duction of the Office of National Drug Control*
10 *Policy, acting in his role as the United States*
11 *Interdiction Coordinator;*

12 “(I) *the director of the Crime and Narcotics*
13 *Center of the Central Intelligence Agency;*

14 “(J) *the Deputy Director for State and*
15 *Local Affairs of the Office of National Drug Con-*
16 *trol Policy;*

17 “(K) *the Chief of the National Guard Bu-*
18 *reau’s Counterdrug Program; and*

19 “(L) *such additional persons as may be de-*
20 *termined by the Director.*

21 “(3) CHAIRMAN.—*The Director shall designate*
22 *one of the members of the Interdiction Committee to*
23 *serve as chairman.*

24 “(4) MEETINGS.—*The members of the Interdic-*
25 *tion Committee shall meet, in person and not through*

1 *any delegate or representative, at least once per cal-*
2 *endar year, prior to March 1. At the call of either the*
3 *Director or the current chairman, the Interdiction*
4 *Committee may hold additional meetings, which shall*
5 *be attended by the members either in person, or*
6 *through such delegates or representatives as they may*
7 *choose.*

8 “(5) *REPORT.*—Not later than September 30 of
9 *each year, the chairman of the Interdiction Com-*
10 *mittee shall submit a report to the Director and to the*
11 *appropriate congressional committees describing the*
12 *results of the meetings and any significant findings*
13 *of the Committee during the previous 12 months. Any*
14 *content of such a report that involves information*
15 *classified under criteria established by an Executive*
16 *order, or whose public disclosure, as determined by*
17 *the Director, the chairman, or any member, would be*
18 *detrimental to the law enforcement or national secu-*
19 *rity activities of any Federal, State, or local agency,*
20 *shall be presented to Congress separately from the rest*
21 *of the report.”.*

22 (b) *CONFORMING AMENDMENT TO HOMELAND SECU-*
23 *RITY ACT OF 2002.*—Section 878 of the Homeland Security
24 *Act of 2002 (6 U.S.C. 458) is amended—*

1 (1) in subsection (c), by striking “Except as pro-
 2 vided in subsection (d), the” and inserting “The”;
 3 and

4 (2) by striking subsection (d) and redesignating
 5 subsections (e), (f), and (g) as subsections (d), (e), and
 6 (f), respectively.

7 **SEC. 14. AWARDS FOR DEMONSTRATION PROGRAMS BY**
 8 **LOCAL PARTNERSHIPS TO SHUT DOWN IL-**
 9 **LICIT DRUG MARKET HOT-SPOTS BY DETER-**
 10 **RING DRUG DEALERS OR ALTERING THE DY-**
 11 **NAMIC OF DRUG SALES.**

12 Sections 713 and 714 (21 U.S.C. 1711) are redesign-
 13 nated as sections 715 and 716, respectively, and after sec-
 14 tion 712 (21 U.S.C. 1710) insert the following new section:

15 **“SEC. 713 AWARDS FOR DEMONSTRATION PROGRAMS BY**
 16 **LOCAL PARTNERSHIPS TO SHUT DOWN IL-**
 17 **LICIT DRUG MARKET HOT-SPOTS BY DETER-**
 18 **RING DRUG DEALERS OR ALTERING THE DY-**
 19 **NAMIC OF DRUG SALES.**

20 “(a) *AWARDS REQUIRED.*—The Director shall make
 21 competitive awards for demonstration programs by eligible
 22 partnerships for the purpose of shutting down local illicit
 23 drug market hot-spots and reducing drug-related crime
 24 through evidence-based, strategic problem-solving interven-

1 *tions that deter drug dealers or alter the dynamic of drug*
 2 *sales.*

3 “(b) *USE OF AWARD AMOUNTS.*—*Award amounts re-*
 4 *ceived under this section shall be used—*

5 “(1) *to support the efforts of the agencies, organi-*
 6 *zations, and researchers included in the eligible part-*
 7 *nership;*

8 “(2) *to develop and field a directed and credible*
 9 *deterrent threat; and*

10 “(3) *to strengthen rehabilitation efforts through*
 11 *such means as job training, drug treatment, or other*
 12 *services.*

13 “(c) *ELIGIBLE PARTNERSHIP DEFINED.*—*In this sec-*
 14 *tion, the term ‘eligible partnership’ means a working group*
 15 *whose application to the Director—*

16 “(1) *identifies the roles played, and certifies the*
 17 *involvement of, three or more agencies or organiza-*
 18 *tions, which may include—*

19 “(A) *State or local agencies (such as those*
 20 *carrying out police, probation, prosecution,*
 21 *courts, corrections, parole, or treatment func-*
 22 *tions);*

23 “(B) *Federal agencies (such as the Drug*
 24 *Enforcement Agency, the Bureau of Alcohol, To-*

1 *bacco, Firearms, and Explosives, and United*
 2 *States Attorney offices); and*

3 “(C) *community-based organizations;*

4 “(2) *includes a qualified researcher;*

5 “(3) *includes a plan for identifying the impact*
 6 *players in, and assessing the nature and dynamic of,*
 7 *the local drug market and its related crime through*
 8 *information gathering and analysis;*

9 “(4) *includes a plan for developing an evidence-*
 10 *based strategic intervention aimed at quickly and*
 11 *sustainably eradicating the local drug market by de-*
 12 *terrering drug dealers or altering the dynamic of drug*
 13 *sales; and*

14 “(5) *includes a plan that describes the method-*
 15 *ology and outcome measures proposed for evaluating*
 16 *the impact of that strategic intervention on drug*
 17 *sales, neighborhood disorder, and crime.*

18 “(d) *REPORTS TO CONGRESS.—*

19 “(1) *INTERIM REPORT.—Not later than June 1,*
 20 *2009, the Director shall submit to Congress a report*
 21 *that identifies the best practices in drug market*
 22 *eradication, including the best practices identified*
 23 *through the activities funded under this section.*

24 “(2) *FINAL REPORT.—Not later than June 1,*
 25 *2010, the Director shall submit to Congress a report*

1 on the demonstration programs funded under this sec-
 2 tion, including on the matters specified in paragraph
 3 (1).

4 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 5 authorized to be appropriated to carry out this section
 6 \$10,000,000 for each of fiscal years 2007 through 2009.”.

7 **SEC. 15. AWARDS FOR DEMONSTRATION PROGRAMS BY**
 8 **LOCAL PARTNERSHIPS TO COERCE ABSTI-**
 9 **NENCE IN CHRONIC HARD-DRUG USERS**
 10 **UNDER COMMUNITY SUPERVISION THROUGH**
 11 **THE USE OF DRUG TESTING AND SANCTIONS.**

12 After section 713, as inserted by section 14 of this Act,
 13 insert the following new section:

14 **“SEC. 714. AWARDS FOR DEMONSTRATION PROGRAMS BY**
 15 **LOCAL PARTNERSHIPS TO COERCE ABSTI-**
 16 **NENCE IN CHRONIC HARD-DRUG USERS**
 17 **UNDER COMMUNITY SUPERVISION THROUGH**
 18 **THE USE OF DRUG TESTING AND SANCTIONS.**

19 “(a) *AWARDS REQUIRED.*—The Director shall make
 20 competitive awards to fund demonstration programs by eli-
 21 gible partnerships for the purpose of reducing the use of
 22 illicit drugs by chronic hard-drug users living in the com-
 23 munity while under the supervision of the criminal justice
 24 system.

1 “(b) *USE OF AWARD AMOUNTS.*—Award amounts re-
2 ceived under this section shall be used—

3 “(1) to support the efforts of the agencies, organi-
4 zations, and researchers included in the eligible part-
5 nership;

6 “(2) to develop and field a drug testing and
7 graduated sanctions program for chronic hard-drug
8 users living in the community under criminal justice
9 supervision; and

10 “(3) to assist individuals described in subsection
11 (a) by strengthening rehabilitation efforts through
12 such means as job training, drug treatment, or other
13 services.

14 “(c) *ELIGIBLE PARTNERSHIP DEFINED.*—In this sec-
15 tion, the term ‘eligible partnership’ means a working group
16 whose application to the Director—

17 “(1) identifies the roles played, and certifies the
18 involvement of, two or more agencies or organiza-
19 tions, which may include—

20 “(A) State or local agencies (such as those
21 carrying out police, probation, prosecution,
22 courts, corrections, parole, or treatment func-
23 tions);

24 “(B) Federal agencies (such as the Drug
25 Enforcement Agency, the Bureau of Alcohol, To-

1 *bacco, Firearms, and Explosives, and United*
2 *States Attorney offices); and*

3 “(C) *community-based organizations;*

4 “(2) *includes a qualified researcher;*

5 “(3) *includes a plan for using judicial or other*
6 *criminal justice authority to administer drug tests to*
7 *individuals described in subsection (a) at least twice*
8 *a week, and to swiftly and certainly impose a known*
9 *set of graduated sanctions for non-compliance with*
10 *community-release provisions relating to drug absti-*
11 *nence (whether imposed as a pre-trial, probation, or*
12 *parole condition or otherwise);*

13 “(4) *includes a strategy for responding to a*
14 *range of substance use and abuse problems and a*
15 *range of criminal histories;*

16 “(5) *includes a plan for integrating data infra-*
17 *structure among the agencies and organizations in-*
18 *cluded in the eligible partnership to enable seamless,*
19 *real-time tracking of individuals described in sub-*
20 *section (a);*

21 “(6) *includes a plan to monitor and measure the*
22 *progress toward reducing the percentage of the popu-*
23 *lation of individuals described in subsection (a) who,*
24 *upon being summoned for a drug test, either fail to*
25 *show up or who test positive for drugs.*

1 “(d) *REPORTS TO CONGRESS.*—

2 “(1) *INTERIM REPORT.*—Not later than June 1,
3 2009, the Director shall submit to Congress a report
4 that identifies the best practices in reducing the use
5 of illicit drugs by chronic hard-drug users, including
6 the best practices identified through the activities
7 funded under this section.

8 “(2) *FINAL REPORT.*—Not later than June 1,
9 2010, the Director shall submit to Congress a report
10 on the demonstration programs funded under this sec-
11 tion, including on the matters specified in paragraph
12 (1).

13 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
14 authorized to be appropriated to carry out this section
15 \$10,000,000 for each of fiscal years 2007 through 2009.”.

16 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 716 (21 U.S.C. 1711), as redesignated by sec-
18 tion 14 of this Act, is amended—

19 (1) by striking “title,” and inserting “title, ex-
20 cept activities for which amounts are otherwise spe-
21 cifically authorized by this title,”; and

22 (2) by striking “1999 through 2003” and insert-
23 ing “2007 through 2011”.

1 **SEC. 17. TECHNICAL AMENDMENTS AND REPEAL.**

2 (a) *AMENDMENT TO PUBLIC HEALTH SERVICE ACT TO*
 3 *REPLACE OBSOLETE REFERENCES.*—Section 464P(c) of
 4 *the Public Health Service Act (42 U.S.C. 285o–4(c)) is*
 5 *amended—*

6 (1) *in paragraph (1), by striking “under section*
 7 *1002 of the Anti-Drug Abuse Act of 1988 (21 U.S.C.*
 8 *1501)” and inserting “under section 703 of the Office*
 9 *of National Drug Control Policy Reauthorization Act*
 10 *of 1998 (21 U.S.C. 1702)”;* and

11 (2) *in paragraph (2), by striking “under section*
 12 *1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C.*
 13 *1504)” and inserting “under section 706 of the Office*
 14 *of National Drug Control Policy Reauthorization Act*
 15 *of 1998 (21 U.S.C. 1705)”.*

16 (b) *REPEAL OF SPECIAL FORFEITURE FUND.*—Section
 17 *6073 of the Asset Forfeiture Amendments Act of 1988 (21*
 18 *U.S.C. 1509) is repealed.*

19 **SEC. 18. REQUIREMENT FOR DISCLOSURE OF FEDERAL**
 20 **SPONSORSHIP OF ALL FEDERAL ADVER-**
 21 **TISING OR OTHER COMMUNICATION MATE-**
 22 **RIALS.**

23 *Section 712 is amended to read as follows:*

1 **“SEC. 712. REQUIREMENT FOR DISCLOSURE OF FEDERAL**
 2 **SPONSORSHIP OF ALL FEDERAL ADVER-**
 3 **TISING OR OTHER COMMUNICATION MATE-**
 4 **RIALS.**

5 “(a) *REQUIREMENT.*—Each advertisement or other
 6 communication paid for by the Office, either directly or
 7 through a contract awarded by the Office, shall include a
 8 prominent notice informing the target audience that the ad-
 9 vertisement or other communication is paid for by the Of-
 10 fice.

11 “(b) *ADVERTISEMENT OR OTHER COMMUNICATION.*—
 12 In this section, the term ‘advertisement or other commu-
 13 nication’ includes—

14 “(1) an advertisement disseminated in any form,
 15 including print or by any electronic means; and

16 “(2) a communication by an individual in any
 17 form, including speech, print, or by any electronic
 18 means.”.

19 **SEC. 19. POLICY RELATING TO SYRINGE EXCHANGE PRO-**
 20 **GRAMS.**

21 Section 703(a) (21 U.S.C. 1702(a)) is amended by
 22 adding at the end the following:

23 “When developing the national drug control policy, any pol-
 24 icy of the Director relating to syringe exchange programs
 25 for intravenous drug users shall be based on the best avail-
 26 able medical and scientific evidence regarding their effec-

1 *tiveness in promoting individual health and preventing the*
2 *spread of infectious disease, and their impact on drug ad-*
3 *dition and use. In making any policy relating to syringe*
4 *exchange programs, the Director shall consult with the Na-*
5 *tional Institutes of Health and the National Academy of*
6 *Sciences.”.*

Union Calendar No. 209

109TH CONGRESS
2^D Session

H. R. 2829

[Report No. 109-315, Parts I, II, and III]

A BILL

To reauthorize the Office of National Drug Control
Policy Act.

MARCH 3, 2006

Reported from the Committee on Energy and Commerce
with an amendment

MARCH 3, 2006

Reported from the Committee on the Judiciary with an
amendment

MARCH 3, 2006

The Permanent Select Committee on Intelligence and the
Committee on Education and the Workforce dis-
charged; committed to the Committee of the Whole
House on the State of the Union and ordered to be
printed